

EVIDENTIARY HEARING
BEFORE THE
CALIFORNIA ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION

In the Matter of:)	
)	
Application for Certification)	Docket No.
of the Roseville Energy Park)	03-AFC-1
)	
by the City of Roseville)	
_____)	

CALIFORNIA ENERGY COMMISSION
HEARING ROOM A
1516 NINTH STREET
SACRAMENTO, CALIFORNIA

TUESDAY, JANUARY 25, 2005

10:10 A.M.

Reported by:
Peter Petty
Contract No. 170-04-001

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

COMMITTEE MEMBERS PRESENT

John L. Geesman, Presiding Member

HEARING OFFICER and ADVISORS PRESENT

Gary Fay, Hearing Officer

STAFF AND CONSULTANTS PRESENT

Kerry A. Willis, Staff Counsel

James W. Reede, Jr., Project Manager

Dale Edwards

PUBLIC ADVISER

Nick Bartsch

APPLICANT

Scott A. Galati, Attorney
Galati and Blek, LLP

Robert Hren, Project Manager
Roseville Energy Park
Roseville Electric

Rob Jensen
City of Roseville

I N D E X

	Page
Proceedings	1
Opening Remarks	1
Hearing Officer Fay	1
Exhibits	
Brief Schedule	3
Topics	3
Project Description	3
Applicant Witness B. Hren	4
Direct Testimony	4
Direct Examination by Mr. Galati	7
Exhibits	7/8
Examination by Committee	9
CEC Staff Exhibits	12/12
Air Quality	12
Applicant Exhibits	12/12, 14/15
CEC Staff Exhibits	15/15
Biological Resources	16
Applicant Exhibits	16/17
CEC Staff Exhibits	17/18
Cultural Resources	18
Applicant Exhibits	19/19
CEC Staff Exhibits	20/20
Hazardous Materials	20
Applicant Exhibits	20/20
CEC Staff Exhibits	21/21
Land Use	21
Applicant Exhibits	21/21
CEC Staff Exhibits	22/22

I N D E X

	Page
Topics - continued	
Noise and Vibration	22
Applicant Exhibits	22/23
CEC Staff Exhibits	23/23
Public Health	23
Applicant Exhibits	23/24
CEC Staff Exhibits	24/24
Socioeconomics	24
Applicant Exhibits	24/25
CEC Staff Exhibits	25/25
Soil and Water Resources	25
Applicant Exhibits	25/26, 29/30
CEC Staff Exhibits	28/29
Transmission Line Safety and Nuisance	31
Applicant Exhibits	31/31
CEC Staff Exhibits	31/31
Visual Resources	32
Applicant Exhibits	32/32
CEC Staff Exhibits	33/33
Waste Management	33
Applicant Exhibits	33/34
CEC Staff Exhibits	34/34
Worker Safety and Fire Protection	34
Applicant Exhibits	34/35
CEC Staff Exhibits	35/35
Facility Design	35
Applicant Exhibits	35/36
CEC Staff Exhibits	36/36

I N D E X

Topics - continued	Page
Geology and Paleontology	36
Applicant Exhibits	36/37
CEC Staff Exhibits	37/37
Power Plant Efficiency	35/37
Applicant Exhibits	35/36, 37
CEC Staff Exhibits	38/38
Power Plant Reliability	35, 37, 38
Applicant Exhibits	35/36, 37
CEC Staff Exhibits	38/38
Transmission System Engineering	38, 31
Applicant Exhibits	39, 31/31
CEC Staff Exhibits	39/39
Alternatives	40
CEC Staff Exhibits	40/41
General Conditions	40
CEC Staff Exhibits	40/41
Applicant Exhibit	41/41
Traffic and Transportation	40
Applicant witnesses R.Hren and R. Jensen	41
Direct Examination by Mr. Galati	41
Exhibits	42/48
Cross-Examination by Ms. Willis	49
Direct Testimony	50
Exhibit	56/70
Examination by Committee	57
CEC Staff witness D. Edwards	70
Direct Examination by Ms. Willis	71
Exhibits	71/80/101
Exhibits	79, 70/80/101
Cross-Examination by Mr. Galati	80
Examination by Committee	90

I N D E X

	Page
Briefing Schedule	101
Closing Remarks	102
Adjournment	102
Reporter's Certificate	103

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

1 P R O C E E D I N G S

2 10:10 a.m.

3 HEARING OFFICER FAY: We're on the
4 record. Good morning, this is the evidentiary
5 hearing for Roseville Energy Center; docket number
6 03-AFC-1. This hearing was announced through
7 public notice dated January 10, 2005.

8 Before we begin I'd like to introduce
9 Commissioner John Geesman, Presiding Commissioner,
10 to my left. And the Associate Commissioner is Art
11 Rosenfeld, who will not be here today. But he's
12 part of the Committee.

13 And now I'd like to take introductions
14 from the parties. Mr. Galati.

15 MR. GALATI: My name's Scott Galati and
16 I'm representing Roseville Electric on the
17 Roseville Energy project.

18 HEARING OFFICER FAY: Ms. Willis.

19 MS. WILLIS: I'm Kerry Willis, Staff
20 Counsel. And with me is Dr. James Reede, Project
21 Manager. And we'll also have Dale Edwards that
22 will be representing the traffic and
23 transportation condition later.

24 HEARING OFFICER FAY: Do we have any
25 other parties present? And I'll ask Mr. Bartsch

1 to just stand and be acknowledge. Nick Bartsch
2 from the Public Adviser's Office.

3 Do you know of anybody who wants to make
4 comments today?

5 MR. BARTSCH: No, --

6 HEARING OFFICER FAY: Okay, if it does
7 come up, please just flag us and let us know.

8 MR. BARTSCH: Thank you.

9 HEARING OFFICER FAY: All right. The
10 Committee scheduled today's hearing by notice, as
11 I stated. As explain in the notice, we will
12 receive evidence on all the relevant topic areas,
13 and do so in the order listed in attachment A of
14 the notice. There's extra copies of the notice on
15 the front table.

16 The relevant filings today are staff's
17 FSA of November '04; applicant's prehearing
18 conference statement of December 29th; staff's
19 report of resolution of issues, January 7th;
20 Roseville Electric's revised prehearing conference
21 statement also January 7th.

22 Staff's errata to traffic and
23 transportation analysis; applicant's testimony
24 dated January 4th; and staff's late-filed second
25 errata regarding trans-7 filed January 19th.

1 We intend to proceed through the topics
2 in the sequence identified in attachment A. And
3 after taking all evidence we'll provide
4 opportunity for public comment.

5 With the exception of applicant's
6 witnesses on the project description and in the
7 area of condition trans-7 regarding traffic and
8 transportation, evidence on all other topics will
9 be taken by means of written declaration.

10 However the Committee may have
11 questions, the attorneys or project managers in
12 some of the topic areas. Any concerns about what
13 I've said so far?

14 We have scheduled simultaneous briefs
15 that are due February 14th. And with that, we
16 will, if there are no preliminary matters we'll
17 begin with Mr. Galati's presentation on project
18 description. Mr. Galati.

19 MR. GALATI: Yes, at this time I'd like
20 to call Bob Hren as my witness for project
21 description. He hasn't been sworn yet.

22 HEARING OFFICER FAY: Please swear the
23 witness.

24 THE REPORTER: Would you stand and raise
25 your right hand, please.

1 Whereupon,

2 ROBERT HREN

3 was called as a witness herein, and after first
4 having been duly sworn, was examined and testified
5 as follows:

6 DIRECT TESTIMONY

7 MR. HREN: Again, my name is Bob Hren;
8 I'm the Project Manager for the Roseville Energy
9 Park. I think I was asked to provide a very brief
10 summary of my background.

11 I have a mechanical engineering degree.
12 I've been involved with power projects and energy
13 projects for over 30 years beginning with Bechtel
14 Power Corporation, and proceeding into development
15 of power projects.

16 I've been employed as a consultant to
17 the City of Roseville, to Roseville Electric since
18 May of 2003 to help them manage this Roseville
19 Energy Park project.

20 I'm going to just give a very brief
21 description of the project. First, though,
22 Roseville Electric, I want to define it as a
23 municipal electric utility that serves the City of
24 Roseville, that has been a utility since 1912.

25 It has an excellent record of providing

1 high reliability and good service to its
2 customers. And the Roseville Energy Park is an
3 integral part of the plan to keep that excellent
4 service continuing into the future.

5 The power plant, itself, will be a
6 natural gas fired, combined cycle electric
7 generating facility rated at a nominal net
8 generating capacity of 125 megawatts, with the
9 ability to peak fire using duct firing up to 160
10 megawatts.

11 The project site is owned by the City of
12 Roseville in the northwestern area of the City.
13 It's directly north of the existing Pleasant Grove
14 Wastewater Treatment Plant.

15 The main project features include two
16 combustion turbine generators, two heat recovery
17 steam generators, a single steam turbine generator
18 and de-aerating surface condenser, and a four-cell
19 mechanical draft cooling tower, and the associated
20 support equipment for the power facility.

21 The gas turbine generators will have low
22 NOx emissions; they'll be air-inlet evaporative
23 cooling to provide a higher efficiency for the
24 system. And the heat recovery steam generators
25 have duct burners that can fire up to just about

1 the maximum for that combination of equipment to
2 give the power facility additional peak generating
3 capacity to serve the high demands during
4 especially summer peak conditions.

5 The power plant will be equipped with
6 emission reduction systems including a selective
7 catalytic reduction system, an SCR unit, and an
8 oxidation catalyst to control carbon monoxide.

9 The power plant will receive recycled
10 water from the Pleasant Grove Wastewater Treatment
11 Plant for cooling. Only recycled water will be
12 used for process uses within the facility.

13 A natural gas pipeline will be completed
14 by Pacific Gas and Electric Company to the
15 facility. We have two possible routes for that
16 gas pipeline. They're termed Alternate A, which
17 is a six-mile pipeline; and Alternate D, which is
18 by far the preferred and very most likely the
19 final choice of gasline, which is a 1.2-mile gas
20 pipeline.

21 Other linears include about an 800-foot
22 underground pipeline to convey the project's
23 wastewater, the sewage water to the Pleasant Grove
24 Wastewater Treatment Plant's influent junction
25 structure. That's a small diameter pipeline.

1 Those are the basic features of the
2 facility. And if there are any questions I'd be
3 happy to amplify these details.

4 DIRECT EXAMINATION

5 BY MR. GALATI:

6 Q Mr. Hren, are you familiar with your
7 previously filed testimony entitled project
8 description?

9 A Yes, I am.

10 Q And do you have any changes or additions
11 to that testimony at this time?

12 A No, I do not.

13 MR. GALATI: Mr. Fay, that is identified
14 on my prehearing exhibit list as exhibit 29, the
15 testimony of Bob Hren and Tom Habashi, docketed on
16 January 14, 2005.

17 And in that testimony Mr. Hren and
18 Habashi sponsor other exhibits. Would you like me
19 to identify those at this time?

20 HEARING OFFICER FAY: Why don't you just
21 identify the exhibits that you'll be moving with
22 Mr. Hren's testimony.

23 MR. GALATI: I will be moving exhibit 1,
24 which is the AFC; exhibit 2, the supplement to AFC
25 in response to data adequacy recommendation;

1 exhibit 11, which are maps showing the Roseville
2 Energy Park proposed construction laydown parking
3 and office area.

4 Exhibit 14, which is Roseville
5 Electric's preliminary comments on the preliminary
6 staff assessment; exhibit 16, which is RE's
7 supplemental comments on the preliminary staff
8 assessment; exhibit 17, which is RE's revised site
9 plan layout and construction laydown plan.

10 Exhibit 22, which is the City of
11 Roseville's comments to the preliminary staff
12 assessment; exhibit 23, RE's supplemental
13 information regarding project description. And
14 this exhibit 29.

15 I would ask that those be accepted and
16 moved into the record.

17 HEARING OFFICER FAY: Any objection?

18 MS. WILLIS: No.

19 HEARING OFFICER FAY: All right, so
20 moved.

21 MR. GALATI: That concludes my testimony
22 on project description and Mr. Hren is available
23 for cross-examination.

24 HEARING OFFICER FAY: Any cross-
25 examination from the staff?

1 MS. WILLIS: No.

2 HEARING OFFICER FAY: Okay. Mr. Hren, I
3 have some questions.

4 EXAMINATION

5 HEARING OFFICER FAY: The transmission
6 tap goes east of the site and integrates on a
7 large curve of transmission easement. Is that
8 because that was already laid out for other
9 purposes or for City development?

10 MR. HREN: May I ask a clarifying
11 question? Are you referring to the electric
12 transmission or the --

13 HEARING OFFICER FAY: Yes.

14 MR. HREN: -- gas transmission?

15 HEARING OFFICER FAY: I believe it's
16 electric.

17 MR. HREN: Well, the electric
18 transmission interconnection, let me describe it
19 and you can tell me if it fits what you're looking
20 at, just to make sure we're addressing the same
21 thing.

22 HEARING OFFICER FAY: This is figure 3B
23 in the AFC.

24 MR. HREN: Can you point to the area on
25 that exhibit that you're referring to, please?

1 HEARING OFFICER FAY: Sure. I believe
2 as you head east from the site following the
3 transmission interconnect --

4 MR. HREN: It's the gas. He's talking
5 about the gas.

6 HEARING OFFICER FAY: -- from the site -
7 -

8 MR. HREN: That's gas.

9 HEARING OFFICER FAY: That is gas?

10 MR. HREN: That's gas, yeah.

11 HEARING OFFICER FAY: Okay.

12 MR. HREN: That's Alternate A, gasline
13 route.

14 HEARING OFFICER FAY: And is that the
15 less likely --

16 MR. HREN: Yes, it is the lesser. We
17 have -- the reason for the curvature of the layout
18 of that is to follow the east/west Phillip Road,
19 existing Phillip Road, until it intersects the
20 future extension of Phillip Road. Then passes
21 north and slightly west and intersects the future
22 Pleasant Grove -- Blue Oaks Boulevard, I'm sorry,
23 Blue Oaks Boulevard extension.

24 So the pathway there, the routing is
25 based upon existing and future roadways in the

1 area.

2 HEARING OFFICER FAY: Okay, thank you.

3 That's all I have, thank you, Mr. Hren.

4 Does staff have any presentation in this
5 area?

6 MS. WILLIS: No, we don't. We would
7 just need -- do you want us to put each section in
8 in the FSA?

9 HEARING OFFICER FAY: Yeah, why don't
10 you do that.

11 MS. WILLIS: Okay, we'll need to mark
12 the FSA. We don't have an exhibit number.

13 HEARING OFFICER FAY: The next exhibit
14 in order, I believe, -- I'm referring to
15 applicant's proposed exhibit list which goes up to
16 exhibit 44. That's the copy I have, Mr. Galati,
17 is --

18 MR. GALATI: I apologize for that, it
19 should go up to exhibit 46.

20 HEARING OFFICER FAY: Exhibit 46, okay.
21 You'll have to bring us up to date at the
22 appropriate time.

23 So staff would be then -- this is the
24 FSA you're asking to be identified?

25 MS. WILLIS: Correct.

1 HEARING OFFICER FAY: It would be
2 exhibit 47.

3 MS. WILLIS: Okay, at this time staff
4 moves the project description section of the final
5 staff assessment exhibit into evidence.

6 HEARING OFFICER FAY: Any objection?

7 MR. GALATI: No objection?

8 HEARING OFFICER FAY: That's received
9 into evidence, as if offered by the witness.
10 All right, let's move to air quality
11 now. Mr. Galati.

12 MR. GALATI: Mr. Fay, we have offered
13 exhibit 31, which is the testimony of Greg Darwin
14 and Jim McLucas, air quality; docketed on January
15 14, 2005, that that testimony be submitted on
16 declaration. And I'd ask that that testimony,
17 exhibit 31, be moved in at this time.

18 HEARING OFFICER FAY: Any objection?

19 MS. WILLIS: None.

20 HEARING OFFICER FAY: All right, so
21 moved.

22 The exhibit list you provided me in the
23 prehearing conference statement tentative exhibit
24 list shows exhibit 31 is the testimony of Mark
25 Morse, Doug Davy and Debra Crow, biological

1 resources. Are you dealing with a different
2 exhibit list?

3 MR. GALATI: I'm checking it over now to
4 see if it's maybe got numbers inappropriate. This
5 should be the same exhibit list, but it clearly
6 isn't. So, if I can have a moment I will find the
7 other exhibit list and use that one.

8 HEARING OFFICER FAY: Let's go off the
9 record.

10 (Off the record.)

11 HEARING OFFICER FAY: We're back on the
12 record. Mr. Galati, what have you provided?

13 MR. GALATI: Provided a new final
14 exhibit list from the applicant. And there are no
15 new exhibits on this list, but the ordering, after
16 exhibit 28, is somewhat different, based on the
17 order of the testimony. And apparently what was
18 docketed had not been -- the numbers were mixed
19 up.

20 So what I've given you now is the final
21 exhibit list I'll be working from, which
22 corresponds to the boxes I have next to me, so, --

23 HEARING OFFICER FAY: Okay.

24 MR. GALATI: -- appreciate being able to
25 give this copy to you.

1 HEARING OFFICER FAY: All right. Is
2 that clear, Ms. Willis?

3 MS. WILLIS: Yes, it is.

4 HEARING OFFICER FAY: Okay. So we're
5 back to air quality, exhibit 31, Mr. Galati.

6 MR. GALATI: In addition to exhibit 31,
7 within that testimony there are other exhibits
8 that Mr. Darvin and Mr. McLucas sponsor. They are
9 exhibit 3, responses to first set of CEC data
10 requests numbers 1 through 7. Exhibit 6, a letter
11 from Schneider to Habashi dated February 24, 2004,
12 regarding the purchase and sale of Enron emission
13 reduction credits.

14 Exhibit 12, Placer County Air Pollution
15 Control District preliminary determination of
16 compliance. Exhibit 18, Roseville Electric's
17 cumulative air quality impact analysis. And
18 exhibit 28, Placer County Air Pollution Control
19 District final determination of compliance.

20 At this time I'd ask for those exhibits
21 to be moved into evidence, along with exhibit 31.

22 HEARING OFFICER FAY: Just a recitation,
23 that's exhibit 31, 3, 6, 12, 18 and 28?

24 MR. GALATI: That's correct.

25 HEARING OFFICER FAY: Ms. Willis, any

1 objection?

2 MS. WILLIS: None.

3 HEARING OFFICER FAY: All right, so
4 moved.

5 And, Mr. Galati, I just have one
6 question on air quality regarding ammonia slip. I
7 just want to confirm that the applicant was all
8 right with staff's proposed condition AQ-51 and
9 the verification thereto.

10 MR. GALATI: Yes, we are.

11 HEARING OFFICER FAY: Okay. All right.
12 Ms. Willis, for the staff.

13 MS. WILLIS: At this time I'd like to
14 mark our memorandum dated January 5, 2005, subject
15 air quality errata to the Roseville Energy Park
16 FSA. I believe that's exhibit 48.

17 HEARING OFFICER FAY: That will be
18 exhibit 48.

19 MS. WILLIS: And we'd like to move the
20 section of the final staff assessment exhibit 47
21 on air quality, and also exhibit 48 into evidence
22 at this time.

23 HEARING OFFICER FAY: Any objection?

24 MR. GALATI: No objection.

25 HEARING OFFICER FAY: All right, so

1 moved.

2 Is the staff satisfied that all of their
3 references to agreement of the applicant are
4 accurate on these various additions regarding air
5 quality?

6 MS. WILLIS: Yes, they are.

7 HEARING OFFICER FAY: Just want to be
8 sure because we're going to rely on your
9 statements here today, as well as your latest
10 written submittal, and assume that that is the
11 agreement the parties had and that's what will be
12 reflected in the decision. And the Committee has
13 no reason to change that. Okay.

14 Moving on, biological resources. Mr.
15 Galati.

16 MR. GALATI: Mr. Fay, the applicant has
17 previously filed testimony of Debra Crow and Mark
18 Morse on biological resources. And have
19 identified it as exhibit 30. The parties had
20 agreed that this would be received into evidence
21 upon declaration.

22 And within exhibit 30 Ms. Crow and Mr.
23 Morse are also sponsoring a portion of exhibit 3,
24 responses to first set of CEC data requests
25 numbered 8 through 26; exhibit 9, a portion of

1 responses to second set of CEC data requests,
2 specifically numbers 72 through 78.

3 Exhibit 13, which is RE's supplemental
4 filing regarding biological resource permit
5 application, wetland delineation report,
6 biological assessment and rare and endangered
7 plant survey.

8 Exhibit 25, which is an addendum to the
9 wetland delineation report and request for wetland
10 verification. And exhibit 27, RE's biological
11 resource mitigation summary.

12 At this time I'd ask for exhibit 30 and
13 those exhibits received into evidence.

14 HEARING OFFICER FAY: That's exhibit 30,
15 and portions of 3, 9, 13, 25 and 27.

16 MR. GALATI: That's correct.

17 HEARING OFFICER FAY: Any objection?

18 MS. WILLIS: No objection.

19 HEARING OFFICER FAY: All right, those
20 are moved into the record.

21 Ms. Willis, staff biology.

22 MS. WILLIS: We just need a
23 clarification. Was the portion of exhibit 1 moved
24 into evidence?

25 HEARING OFFICER FAY: I did not hear

1 that.

2 MR. GALATI: Basically what has happened
3 is I had Mr. Hren move all of exhibit 1, as the
4 AFC, into evidence. So I won't be referring to it
5 anymore.

6 HEARING OFFICER FAY: That's reasonable;
7 is that understood?

8 MS. WILLIS: That's fine.

9 At this time staff would like to move
10 the cultural (sic) resources section of exhibit 47
11 of the final staff assessment.

12 HEARING OFFICER FAY: I'm asking for
13 your testimony of biological resources.

14 MS. WILLIS: Oh, I'm sorry. On
15 biological resources. I'm ahead of myself. Of
16 exhibit 47 into evidence.

17 HEARING OFFICER FAY: All right.
18 Anything further?

19 MS. WILLIS: We don't have any
20 further --

21 HEARING OFFICER FAY: Okay. Any
22 objection?

23 MR. GALATI: No objection.

24 HEARING OFFICER FAY: Okay. Moving to
25 cultural resources.

1 MR. GALATI: Mr. Fay, the applicant has
2 previously filed exhibit 32 entitled cultural
3 resources testimony of Doug Davy. Within that
4 testimony Mr. Davy is sponsoring a portion of
5 exhibit 3, responses to first set of CEC data
6 requests numbers 27 through 38; a portion of
7 exhibit 9, which are responses to second set of
8 CEC data requests numbers 79 through 82. And
9 exhibit 20, RE's draft cultural resources
10 mitigation implementation and monitoring plan.

11 As this subject was also agreed to be --
12 have testimony on declaration, I'd ask that those
13 exhibits, along with exhibit 32, be received into
14 evidence.

15 HEARING OFFICER FAY: So, in total
16 that's exhibit 32, portions of exhibit 3, 9 and
17 all of exhibit 20.

18 MR. GALATI: That's correct.

19 HEARING OFFICER FAY: All right. Any
20 objection, Ms. Willis?

21 MS. WILLIS: No objection.

22 HEARING OFFICER FAY: Received into
23 evidence at this point.

24 Staff.

25 MS. WILLIS: At this time we'd like to

1 move in the cultural resources section of exhibit
2 47, final staff assessment, into the record.

3 HEARING OFFICER FAY: All right. And is
4 there anything further in addition to that?

5 MS. WILLIS: There's nothing further in
6 this area.

7 HEARING OFFICER FAY: Okay. Any
8 objection from the applicant?

9 MR. GALATI: No objection.

10 All right, moving to hazardous
11 materials.

12 MR. GALATI: Mr. Fay, RE has filed
13 exhibit 33, which is the testimony of Karen Parker
14 on the subject of hazardous materials. And in
15 that testimony Ms. Parker sponsors a portion of
16 exhibit 3, which is responses to first set of CEC
17 data requests, specifically number 40.

18 At this time I'd ask for that exhibit,
19 along with exhibit 33, be received into evidence.

20 HEARING OFFICER FAY: Exhibit 33 and
21 portions of 3. Any objection from the staff?

22 MS. WILLIS: None.

23 HEARING OFFICER FAY: All right, those
24 will be received into evidence at this time.

25 We'll move to the staff's position on

1 hazardous materials.

2 MS. WILLIS: At this time staff would
3 like to move the section of hazardous materials of
4 the final staff assessment previously marked
5 exhibit 47 into evidence.

6 HEARING OFFICER FAY: Any objection from
7 the applicant?

8 MR. GALATI: No objection.

9 HEARING OFFICER FAY: All right, so
10 moved. That concludes taking evidence on
11 hazardous materials.

12 We'll move now to questions regarding
13 land use. Applicant.

14 MR. GALATI: Mr. Fay, Roseville Electric
15 has previously filed testimony on land use of
16 Mathew Franck, identified as exhibit 34. And
17 within that testimony Mr. Franck sponsors a
18 portion of exhibit 3, responses to first set of
19 CEC data requests, specifically number 41 through
20 47; as well as exhibit 15, which is the final West
21 Roseville specific plan.

22 I'd ask that those exhibits, along with
23 exhibit 34, be received in evidence.

24 HEARING OFFICER FAY: Exhibit 34,
25 portions of 3 and exhibit 15 are moved into

1 evidence. Any objection from staff?

2 MS. WILLIS: No objection.

3 HEARING OFFICER FAY: Okay. We will
4 receive those in evidence at this point, and ask
5 the staff for your testimony on land use.

6 MS. WILLIS: Yes, staff would like to
7 move the section entitled, land use, of the final
8 staff assessment, previously marked exhibit 47,
9 into evidence.

10 HEARING OFFICER FAY: Any objection from
11 the applicant?

12 MR. GALATI: No objection.

13 HEARING OFFICER FAY: Okay. Good.
14 Moving to noise and vibration.

15 MR. GALATI: Mr. Fay, Roseville Electric
16 has previously filed the testimony of Mark -- I'm
17 going to have to spell the name -- B-a-s-t-a-s-c-h
18 on noise and vibration. And Mark did exhibit 35.
19 Specifically within exhibit 35 is sponsored
20 exhibit 3, a portion of it, specifically responses
21 to the first set of CEC data requests, numbers 48
22 through 50; and exhibit 8, letter from Placer
23 County regarding inapplicability of Placer County
24 noise ordinance to the Roseville Energy Park.

25 I'd ask that those exhibits, along with

1 exhibit 35, be received into evidence.

2 HEARING OFFICER FAY: Exhibit 35,
3 portions of 3 and exhibit 8. Any objection from
4 the staff?

5 MS. WILLIS: None.

6 HEARING OFFICER FAY: Received at this
7 point into evidence.

8 Moving to the staff.

9 MS. WILLIS: Staff would like to move
10 the section of the final staff assessment marked
11 exhibit 47, entitled noise and vibration, into
12 evidence.

13 HEARING OFFICER FAY: Any objection from
14 the applicant?

15 MR. GALATI: No objection.

16 HEARING OFFICER FAY: All right, so
17 moved.

18 Public health. Applicant.

19 MR. GALATI: Roseville Electric
20 previously filed exhibit 36, which is the
21 testimony of Doug Davy, on public health. I'd ask
22 that exhibit 36 be received into evidence.

23 HEARING OFFICER FAY: Any objection from
24 the staff?

25 MS. WILLIS: None.

1 HEARING OFFICER FAY: So moved. And we
2 move to the staff.

3 MS. WILLIS: Staff would like to move
4 the section entitled public health of the final
5 staff assessment, exhibit 47, into evidence.

6 HEARING OFFICER FAY: Any objection from
7 the applicant?

8 MR. GALATI: No objection.

9 HEARING OFFICER FAY: All right. We'll
10 receive that.

11 Socioeconomics.

12 MR. GALATI: Roseville Electric has
13 previously filed exhibit 37, which is the
14 testimony of Fatuma Yusuf, F-a-t-u-m-a Y-u-s-u-f,
15 on socioeconomics. Within that exhibit Ms. Yusuf
16 sponsors a portion of exhibit 3, responses to
17 first set of CEC data requests number 51, and
18 exhibit 10, which is RE's supplemental evaluation
19 of indirect induced economic effects from
20 construction and operation of the Roseville Energy
21 Park.

22 I ask that those exhibits, along with
23 exhibit 37, be received into evidence.

24 HEARING OFFICER FAY: Exhibit 37,
25 portions of exhibit 3 and all of exhibit 10. Any

1 objection from the staff?

2 MS. WILLIS: No.

3 HEARING OFFICER FAY: Those are received
4 into evidence.

5 Staff's position on socioeconomics.

6 MS. WILLIS: Staff would like to put
7 into evidence the section entitled,
8 socioeconomics, of the final staff assessment,
9 exhibit 47.

10 HEARING OFFICER FAY: Any objection from
11 the applicant?

12 MR. GALATI: No objection.

13 HEARING OFFICER FAY: Okay.

14 Moving to soil and water resources.
15 Applicant.

16 MR. GALATI: Mr. Fay, Roseville Electric
17 has filed previously written testimony on the
18 subject of soil and water, specifically exhibit
19 38, identified as the testimony of David Jones,
20 Doug Davy and Jim McLucas.

21 Within that testimony Mr. Jones, Davy
22 and McLucas sponsor a portion of exhibit 3, which
23 is the responses to first set of CEC data
24 requests, numbers 52 through 57; exhibit 4, which
25 is RE's draft stormwater pollution prevention plan

1 submitted in response to staff data request number
2 55; exhibit 5, which is RE's draft spill
3 prevention control and countermeasures planned for
4 operation, submitted in response to staff data
5 request 57; and exhibit 9, which is -- portions of
6 exhibit 9, excuse me, which are responses to
7 second set of CEC data requests, specifically
8 numbers 83 through 85.

9 I ask that those exhibits, along with
10 exhibit 38, be received into evidence.

11 HEARING OFFICER FAY: Exhibit 38,
12 portions of exhibit 3, all of 4, all of 5, and
13 portion of exhibit 9, any objection from staff?

14 MS. WILLIS: No objection.

15 HEARING OFFICER FAY: All right, those
16 are received into evidence.

17 Mr. Galati, before we move to the staff
18 on soil and water resources, I'd like you to
19 consider the verifications on soil and water-2.
20 It looks to me like the latest iteration from the
21 parties do not match exactly. I'd just like to
22 get that clarified.

23 In addition, on soil and water-9 the
24 verification, the applicant says, analysis of plan
25 will be by registered civil engineer at least 30

1 days prior to site of mobilization. The staff
2 says at least 60 days.

3 Do we actually have agreement on that
4 and it's a typo? Or is there a disagreement
5 there?

6 MR. GALATI: I don't know the answer to
7 that question. I'll have to see. Are you
8 comparing the resolution of issues report?

9 HEARING OFFICER FAY: I believe so. I
10 believe I was comparing the latest version that I
11 got from the parties.

12 Why don't we just go off the record and
13 take a minute and get this cleared up.

14 (Off the record.)

15 HEARING OFFICER FAY: Can you clarify
16 that for the record, Mr. Galati?

17 MR. GALATI: Yes. Thank you for
18 pointing that out, Mr. Fay. The applicant agrees
19 to soil and water-2 as it is written in the
20 staff's report of issue resolution document.

21 And our prehearing conference statement,
22 which was filed after, should be disregarded for
23 soil and water-2.

24 HEARING OFFICER FAY: Soil and water-2,
25 you're agreeing with staff's January 7th report of

1 resolution of issues? That version?

2 MR. GALATI: That is correct.

3 HEARING OFFICER FAY: Okay.

4 MR. GALATI: It appears that we've
5 agreed on the substance, and the two versions were
6 different in where the addition was made within
7 the condition.

8 HEARING OFFICER FAY: Okay. That's
9 fine.

10 MR. GALATI: On soil and water-9, and
11 I'll let staff state, I believe that we'll be
12 using the applicant's soil and water-9, which is
13 in our January 7th revised prehearing conference
14 statement.

15 HEARING OFFICER FAY: Okay, thanks.
16 We'll move to the staff then.

17 MS. WILLIS: Yes, staff agrees with the
18 applicant that the 30 days for soil and water-9 is
19 correct, under verification.

20 HEARING OFFICER FAY: Okay. Does staff
21 want to introduce its evidence at this time?

22 MS. WILLIS: Yes. Probably at this time
23 would be a good time to introduce staff's report
24 of resolution of issues, and we'll need to have
25 that exhibit marked.

1 HEARING OFFICER FAY: That's the January
2 7th document?

3 MS. WILLIS: That's correct.

4 HEARING OFFICER FAY: That will be
5 exhibit 49.

6 MS. WILLIS: And along with that
7 exhibit, we'd like to move the section of the
8 final staff assessment, exhibit 47, entitled, soil
9 and water resources, into evidence.

10 HEARING OFFICER FAY: Okay, any
11 objection?

12 MR. GALATI: No objection.

13 HEARING OFFICER FAY: All right.

14 MR. GALATI: Before we move on I think
15 it's probably a good idea, since we're using the
16 revised prehearing conference statement as a soil
17 and water-9, we ought to mark it as an exhibit.
18 It's not on my exhibit list at this time.

19 HEARING OFFICER FAY: That would be
20 exhibit 50. Does the staff have any objection to
21 marking applicant's revised prehearing conference
22 statement of January 7th '05 as exhibit 50?

23 MS. WILLIS: No, we don't.

24 HEARING OFFICER FAY: Okay.

25 MR. GALATI: I'd ask that be received

1 into evidence.

2 HEARING OFFICER FAY: And if there's no
3 objection we'll receive that into evidence.

4 MS. WILLIS: There's no objection.

5 HEARING OFFICER FAY: It's reference to
6 these two documents that I was concerned about
7 when I was addressing the staff to be absolutely
8 sure, and it applies to both parties, absolutely
9 sure that you state we agree with, you know,
10 applicant's revised, or we agree with staff's
11 resolution of issues document that, in fact, that
12 is the case. As a reference of the actual
13 language isn't in your latest filing with the
14 Committee.

15 So I just want to make sure that you are
16 comfortable with that reference. Okay.

17 Let's move on, then, to -- are the
18 parties ready to discuss traffic and
19 transportation?

20 MS. WILLIS: I think we would request
21 that we move on to the rest of the topics and come
22 back to traffic, if that --

23 HEARING OFFICER FAY: Okay. We'll skip
24 over traffic at this time, and move to
25 transmission line safety and nuisance.

1 MR. GALATI: Mr. Fay, Roseville Electric
2 has previously filed testimony of Russ Nichols on
3 transmission system engineering and transmission
4 line safety and nuisance. That is identified as
5 exhibit 40.

6 Within that testimony Mr. Nichols also
7 sponsors a portion of exhibit 3, which are the
8 responses to first set of CEC data requests,
9 specifically numbers 58 through 62. I ask that
10 that exhibit, along with exhibit 40, be received
11 into evidence.

12 HEARING OFFICER FAY: Exhibit 40 and
13 portions of 3, any objection?

14 MS. WILLIS: None.

15 HEARING OFFICER FAY: All right, thank
16 you.

17 Staff.

18 MS. WILLIS: Yes, we'd like to move in
19 the section of the final staff assessment, exhibit
20 47, entitled transmission line safety and
21 nuisance.

22 HEARING OFFICER FAY: Any objection from
23 the applicant?

24 MR. GALATI: No objection.

25 HEARING OFFICER FAY: Thank you. Moving

1 to visual resources.

2 MR. GALATI: Mr. Fay, Roseville Electric
3 has previously filed written testimony of Thomas
4 Priestley regarding visual resources. Within that
5 exhibit 41, Mr. Priestley is also sponsoring a
6 portion of exhibit 3, responses to first set of
7 CEC data requests numbers 63 through 69; exhibit
8 19, which is RE's proposed revision, the staff-
9 proposed condition of certification vis-4; and
10 exhibit 21, letter from the City of Roseville to
11 James Reede regarding visual vapor plumes, dated
12 September 29, 2004.

13 I'd ask that those exhibits, along with
14 exhibit 41, be received into evidence.

15 HEARING OFFICER FAY: Exhibit 41,
16 portions of 3, exhibits 19 and 21, any objection
17 from the staff?

18 MS. WILLIS: No objection.

19 HEARING OFFICER FAY: All right, receive
20 that into evidence.

21 And, Mr. Galati, again, visual, you're
22 comfortable with the -- throughout this back-and-
23 forth, I know there was some on this issue that
24 the parties resolved?

25 MR. GALATI: Yeah, we are comfortable

1 that the report of resolution --

2 HEARING OFFICER FAY: Staff's January
3 7th report of resolution.

4 MR. GALATI: I'm sorry, Mr. Fay. Yes,
5 we have reviewed the report of resolution and we
6 agree with the conditions of certification as they
7 are stated in the staff's report of resolution,
8 which is now marked exhibit 49.

9 HEARING OFFICER FAY: Okay. Moving to
10 the staff on visual resources.

11 MS. WILLIS: Staff would like to move
12 the section of visual resources of the final staff
13 assessment, exhibit 47, into evidence.

14 HEARING OFFICER FAY: And are there any
15 additions to that?

16 MS. WILLIS: None, other than our report
17 of resolution of issues.

18 HEARING OFFICER FAY: Any objection from
19 the applicant?

20 MR. GALATI: No objection.

21 HEARING OFFICER FAY: Waste management.

22 MR. GALATI: Roseville Electric has
23 filed exhibit 42, which is the testimony of Karen
24 Parker on waste management. And within that
25 exhibit Ms. Parker also sponsors a portion of

1 exhibit 3, responses to first set of CEC data
2 requests, specifically numbers 70 through 71, as
3 well as exhibit 7, which is supplemental responses
4 to CEC data requests numbers 70 through 71.

5 I'd ask those exhibits and exhibit 42 be
6 received into evidence.

7 HEARING OFFICER FAY: 42, portions of 3
8 and exhibit 7. Any objection from staff?

9 MS. WILLIS: No objection.

10 HEARING OFFICER FAY: All right, that is
11 received. Staff.

12 MS. WILLIS: Yes, staff would like to
13 move the section of the FSA entitled waste
14 management, part of exhibit 47, into the record.

15 HEARING OFFICER FAY: Any objection?

16 MR. GALATI: No objection.

17 HEARING OFFICER FAY: So received. That
18 concludes waste management.

19 Now, worker safety and fire protection.

20 MR. GALATI: Mr. Fay, Roseville Electric
21 has filed the testimony of Andrea Grenier on
22 worker safety and fire protection. That's
23 identified as exhibit 43. We'd ask that that be
24 testimony received into evidence at this time.

25 HEARING OFFICER FAY: Anything further

1 that you're moving? Just exhibit 43?

2 MR. GALATI: Just exhibit 43.

3 HEARING OFFICER FAY: Okay. Any
4 objection from staff?

5 MS. WILLIS: None.

6 HEARING OFFICER FAY: All right. And
7 moving to staff. We direct that exhibit 43 be
8 entered into the record at this point.

9 MS. WILLIS: Staff would like to move
10 the section of the final staff assessment, exhibit
11 47, entitled, worker safety and fire protection,
12 into evidence.

13 HEARING OFFICER FAY: Any objection from
14 the applicant?

15 MR. GALATI: No objection.

16 HEARING OFFICER FAY: All right, so
17 moved. Facility design.

18 MR. GALATI: Roseville Electric has
19 previously filed written testimony of Steve Clark
20 for the subject of facility design, power plant
21 efficiency and reliability. That is identified as
22 exhibit 44. Within that exhibit Mr. Clark also
23 sponsors a portion of exhibit 3, responses to
24 first set of CEC data requests, specifically
25 number 39.

1 I'd ask that that exhibit, along with
2 exhibit 44, be received into evidence at this
3 time.

4 HEARING OFFICER FAY: Any objection from
5 staff?

6 MS. WILLIS: No objection.

7 HEARING OFFICER FAY: So received. Does
8 the staff have testimony on the facility design?

9 MS. WILLIS: Yes, we'd like to move our
10 section of the final staff assessment entitled
11 facility design, exhibit 47, into the record.

12 HEARING OFFICER FAY: Any objection from
13 the applicant?

14 MR. GALATI: No objection.

15 HEARING OFFICER FAY: Okay. Geology and
16 paleontology.

17 MR. GALATI: For this topic Roseville
18 Electric has filed the testimony of Tom Lae and
19 Geoffrey Spaulding on the topic of geology and
20 paleontology. That is identified as exhibit 45.
21 I'd ask that exhibit 45 be received into evidence
22 at this time.

23 HEARING OFFICER FAY: Anything in
24 addition to exhibit 45?

25 MR. GALATI: No, thank you.

1 HEARING OFFICER FAY: Any objection from
2 the staff?

3 MS. WILLIS: No objection.

4 HEARING OFFICER FAY: All right, we'll
5 receive that into the record at this time. And
6 move to the staff.

7 MS. WILLIS: Staff would like to move
8 the section of the final staff assessment entitled
9 geology and paleontology, formerly marked exhibit
10 47, into the record.

11 HEARING OFFICER FAY: Any objection from
12 the applicant?

13 MR. GALATI: No objection.

14 HEARING OFFICER FAY: Okay. Power plant
15 efficiency.

16 MR. GALATI: The applicant combined its
17 testimony of facility design, efficiency and
18 reliability all in exhibit 44, which has been
19 received into evidence.

20 HEARING OFFICER FAY: Did the staff have
21 concerns with any of the portions of exhibit 44?

22 MS. WILLIS: No.

23 HEARING OFFICER FAY: Okay. Then we'll
24 move to the staff.

25 MS. WILLIS: Staff would also like to

1 move portions of the FSA, exhibit 47, entitled
2 power plant efficiency and power plant
3 reliability, into evidence.

4 HEARING OFFICER FAY: Any objections
5 from applicant?

6 MR. GALATI: No objection.

7 HEARING OFFICER FAY: All right, just
8 for our record-keeping, calling out power plant
9 reliability, please reference that you've already
10 filed testimony on this for the sake of the
11 record. Mr. Galati.

12 MR. GALATI: Exhibit 44.

13 HEARING OFFICER FAY: Okay. And, Ms.
14 Willis?

15 MS. WILLIS: I moved both of them into
16 the record, but I can move power plant reliability
17 section of the final staff assessment, exhibit 47,
18 into the record.

19 HEARING OFFICER FAY: Those are separate
20 sections in the FSA?

21 MS. WILLIS: That's correct.

22 HEARING OFFICER FAY: Transmission
23 system engineering.

24 MR. GALATI: The applicant had combined
25 testimony on transmission system engineering and

1 transmission line safety and nuisance as exhibit
2 40, which has been received into evidence.

3 HEARING OFFICER FAY: Okay. Staff.

4 MS. WILLIS: We have no objection.

5 HEARING OFFICER FAY: And what does
6 staff have on transmission system engineering?

7 MS. WILLIS: We would like to move our
8 section of the final staff assessment entitled,
9 transmission system engineering, exhibit 47, into
10 the record.

11 MR. GALATI: No objection.

12 HEARING OFFICER FAY: And moving to
13 alternatives.

14 MR. GALATI: The applicant did not file
15 previously testimony on alternatives, but for the
16 record, agrees with the staff assessment.

17 HEARING OFFICER FAY: Staff.

18 MS. WILLIS: At this time staff would
19 like to move their section of alternatives of the
20 final staff assessment, exhibit 47.

21 HEARING OFFICER FAY: And does staff
22 also wish to move its general conditions and
23 compliance?

24 MS. WILLIS: Yes, we'd like to move our
25 final section of the staff assessment, general

1 conditions and compliance, exhibit 47, into the
2 record.

3 HEARING OFFICER FAY: Any objections
4 from the applicant?

5 MR. GALATI: No objections. We do have
6 one more exhibit, though, on that subject, which
7 is our testimony of Andrea Grenier, exhibit 46,
8 compliance monitoring and facility closure. I'd
9 ask that that be received in evidence.

10 HEARING OFFICER FAY: Any objection from
11 staff?

12 MS. WILLIS: No.

13 HEARING OFFICER FAY: Okay. Let's go
14 off the record.

15 (Off the record.)

16 HEARING OFFICER FAY: Let's go back on
17 the record. Okay. We took all the evidence
18 except that in the topic of traffic and
19 transportation. So, Mr. Galati.

20 MR. GALATI: At this time we'll be
21 presenting a panel for traffic and transportation.
22 Bob Hren, who has previously been sworn, and Rob
23 Jensen with the City of Roseville, he has not yet
24 been sworn.

25 THE REPORTER: Please stand and raise

1 your right hand.

2 Whereupon,

3 ROB JENSEN

4 was called as a witness herein, and after first
5 having been duly sworn, was examined and testified
6 as follows:

7 MR. GALATI: Mr. Hren has previously
8 described his background.

9 DIRECT EXAMINATION

10 BY MR. GALATI:

11 Q I would ask, Mr. Jensen, would you
12 briefly state your name for the record and its
13 spelling, and who you work for, and a brief
14 background.

15 MR. JENSEN: Sure. My name is Rob
16 Jensen; last name is spelled J-e-n-s-e-n. I'm
17 currently employed by the City of Roseville as the
18 Public Works Director and the City Engineer. I've
19 been employed with the City for 15 years,
20 overseeing a large aspect of engineering,
21 including transportation planning and traffic
22 design and safety.

23 I'm a licensed civil engineer with the
24 State of California, with a degree in civil
25 engineering from the University of Nevada Reno.

1 MR. GALATI: This question is for the
2 panel. Mr. Hren and Mr. Jensen, have both of you
3 recognized your previously filed testimony
4 entitled, traffic and transportation, of Rob
5 Jensen and Bob Hren?

6 MR. HREN: I do recognize it.

7 MR. JENSEN: I do, too.

8 MR. GALATI: Are you also familiar with
9 a document entitled, traffic and transportation,
10 trans-7 proposed condition of certification by
11 Roseville Electric, dated 1/24/05, specifically
12 the one that was worked out where there is
13 handwriting in margins on page 2 and 3?

14 MR. HREN: Bob Hren. Yes, I'm familiar
15 with that.

16 MR. JENSEN: I am, also. Rob Jensen.

17 MR. GALATI: That document has been
18 handed to you, Mr. Fay, and I would like at this
19 time to mark is as exhibit?

20 HEARING OFFICER FAY: 51.

21 MR. GALATI: Thank you.

22 BY MR. GALATI:

23 Q Mr. Hren, is this rendition of proposed
24 condition of certification trans-7 your
25 recommended changes to staff's second errata?

1 MR. HREN: Yes, it is.

2 MR. GALATI: Turning your attention to
3 the fourth paragraph, where there is some text
4 stricken out, specifically that text that begins
5 with "or a CPM-verified traffic safety-related
6 complaint", is it your recommendation that that
7 text be removed from the condition?

8 MR. HREN: It is my recommendation that
9 it be removed.

10 MR. GALATI: Can you briefly explain why
11 that is your recommendation?

12 MR. HREN: Well, the City takes very
13 seriously any potential traffic risks that could
14 be created from plumes from a cooling tower. And
15 has agreed to very objective standards, very
16 specific objective standards to monitor plumes and
17 measure them, and determine whether traffic risks
18 are being created by plumes.

19 This particular language introduces a
20 very subjective standard, and one that could be
21 abused by members of the community wishing to
22 intimidate the City for any particular reason.

23 So I believe this language, as
24 subjective as it is, the way it introduces the
25 possibility for misuse and abuse, puts the City at

1 a great risk of intimidation.

2 MR. GALATI: Mr. Hren, you used the term
3 objective standard and subjective standard. Your
4 understanding of the condition, what is the
5 objective standards that would trigger either the
6 installation of plume abatement or an automated
7 control system?

8 MR. HREN: Well, trans-7 condition
9 includes a requirement that the applicant, prior
10 to commencement of power plant operation, develop
11 a plan for the installation and operation of video
12 cameras, video recorders, visible range
13 measurement equipment or methods, met data
14 collection and monitoring the equipment, and to
15 operate that equipment during certain periods of
16 time to determine whether a plume has, in fact,
17 reached the ground, causing a traffic risk.

18 I believe those are very objective
19 standards.

20 MR. GALATI: Thank you. Is there
21 anything that you or Mr. Jensen would like to add
22 regarding your recommendation that this condition
23 strike the CPM-verified traffic safety-related
24 complaint?

25 MR. JENSEN: I have no additional

1 comment.

2 MR. HREN: I don't have anything
3 additional at this time.

4 MR. GALATI: If I could turn your
5 attention to, at the very bottom of page 1 of
6 exhibit 51, the second line from the bottom, there
7 is a number 75 that is stricken and replaced with
8 50. Is that your recommendation?

9 MR. HREN: Yes, that is my
10 recommendation.

11 MR. GALATI: Could you briefly explain
12 why you've made that recommendation?

13 MR. HREN: The forecast for dispatch for
14 this power plant over the life of the facility is
15 that it would be operated with a capacity factor
16 in a range of 60 to 65 percent. So the 75 percent
17 number could potentially never be reached, even
18 during the entire life of the facility.

19 So we recommend 50 percent as a
20 reasonable capacity factor, which would be applied
21 to this particular provision.

22 MR. GALATI: On page 2, Mr. Hren, there
23 is some bold and italic recommendations --
24 language, excuse me. And the period of one year
25 has been now modified in writing to say three

1 years. Do you agree with that change?

2 MR. HREN: Yes, I agree with that
3 change. In two places it appears.

4 MR. GALATI: Mr. Hren, at the beginning
5 of the verification there is some language
6 modifying the first sentence that would
7 essentially require the Roseville Electric to gain
8 approval of the cooling tower engineering
9 specifications and design by approval from both
10 the City of Roseville City Engineer, as well as
11 the CPM.

12 Did you make that recommendation?

13 MR. HREN: That question, if that was
14 directed to me, Mr. Hren, yes, I made that
15 recommendation.

16 MR. GALATI: Mr. Jensen, you're the city
17 engineer. Do you agree with that recommendation?

18 MR. JENSEN: Yes, I do agree with that
19 recommendation.

20 MR. GALATI: Mr. Hren or Mr. Jensen, can
21 you briefly describe why you make that
22 recommendation?

23 MR. JENSEN: I think I'll address that
24 issue. This is Rob Jensen.

25 This is really a traffic issue. And as

1 such, the City engineer should take a large role
2 in determining what is and isn't appropriate to
3 maintain the safety within the City.

4 The condition that we're recommending
5 requires that approval be provided by the City of
6 Roseville in addition to approval from the CEC.
7 And we see this as a more stringent requirement
8 than that that currently exists.

9 MR. GALATI: Mr. Hren, on page 3, again
10 in the verification, there is some handwritten
11 words inserting the phrase "an implementation
12 schedule" after the words "engineering
13 specifications". Do you agree with that change?

14 MR. HREN: Yes, I agree with that
15 change.

16 MR. GALATI: No further testimony at
17 this time. I believe staff may be commenting on
18 exhibit 51, and I'll wait to move it into evidence
19 until after their testimony.

20 HEARING OFFICER FAY: All right. Did
21 you want to move these exhibits?

22 MR. GALATI: I apologize, I would like
23 to move exhibit 39, which is the testimony of
24 traffic and transportation. I would note for the
25 record that the proposed condition language in

1 exhibit 39 has now been modified by exhibit 51.

2 Also, as part of that exhibit 39, Mr.
3 Jensen and Mr. Hren sponsor exhibit 24, a letter
4 from the City of Roseville to James Adams
5 regarding Roseville accident data; and exhibit 26,
6 a letter from Roseville Joint Unified High School
7 District to James Reede regarding air quality
8 concerns.

9 I would ask that exhibit 39, 24, 26 be
10 received into evidence.

11 HEARING OFFICER FAY: And exhibit 51, as
12 well?

13 MR. GALATI: Yes.

14 HEARING OFFICER FAY: Is there any
15 objection from the staff?

16 MS. WILLIS: No objection.

17 HEARING OFFICER FAY: All right, so
18 moved. Receive all that.

19 Are the witnesses available for cross-
20 examination?

21 MR. GALATI: Yes, they are.

22 HEARING OFFICER FAY: Ms. Willis.

23 MS. WILLIS: Thank you. I just had one
24 question, and this is for either member of the
25 panel. And this is basically a hypothetical that

1 would relate to the fourth paragraph on the CPM-
2 verified traffic safety-related complaint.

3 CROSS-EXAMINATION

4 BY MS. WILLIS:

5 Q My question would be is if a member of
6 the public complains about a plume that would
7 cause some sort of traffic safety-related concern,
8 and complains to the City, and this plume is not
9 captured by some monitoring equipment, what is the
10 procedure for the City to handle such a complaint.

11 MR. JENSEN: Any complaint that's
12 provided to the City we do investigate. We log
13 those complaints in and we go out to verify what
14 the complaint was and look to see if it is a
15 safety factor, and look for opportunities to
16 mitigate what that impact would be.

17 MS. WILLIS: And what would be the
18 timeline of that investigation?

19 MR. JENSEN: Typically we try to get out
20 there as quickly as possible. Something of this
21 event we would be out there immediately we become
22 knowledge of the event.

23 MS. WILLIS: Okay, thank you.

24 HEARING OFFICER FAY: Anything further,
25 Ms. Willis?

1 MS. WILLIS: No further questions.

2 PRESIDING MEMBER GEESMAN: Mr. Galati, I
3 may have missed it, but on page 3 of I believe
4 it's exhibit 51, there is language that has been
5 stricken out. Did you have one of your witnesses
6 testify to that strikeout?

7 MR. GALATI: I believe, Commissioner
8 Geesman, certain of these changes are going to be
9 agreed to by staff. So I didn't provide any
10 testimony regarding it.

11 PRESIDING MEMBER GEESMAN: Okay. Well,
12 then I'll reserve my question until we hear more
13 from staff.

14 MR. GALATI: Mr. Geesman, I'd be more
15 than happy to provide the justification for that,
16 though, now. I think I have the witnesses
17 available to do that.

18 PRESIDING MEMBER GEESMAN: Okay, why
19 don't we do that.

20 MR. GALATI: Okay. It will also require
21 the admission of another exhibit, which I have.

22 DIRECT EXAMINATION - Resumed

23 MR. HREN: I'd like to address two
24 instances in timeline, timing, in this paragraph
25 that begins at the bottom of page 2 and concludes

1 on page 3.

2 The first mention of time is where the
3 number 30 has been stricken and replaced by the
4 number 150. And that refers to when a plume
5 occurs that triggers these activities, these
6 actions, within a certain period of time we must
7 provide to both the City of Roseville Engineer and
8 the CPM, for review and approval, the engineering
9 specifications and implementation schedule for the
10 option chosen. I'm just paraphrasing the
11 sentence.

12 And the first duration of 150 days we've
13 lined out in what I think will be exhibit 52, the
14 process that must be followed within the City for
15 from time zero, which is that we have a ground-
16 hugging plume occurrence. We must then engage a
17 professional, an engineer, under a professional
18 services agreement. We have to prepare a request
19 for proposals from engineers. We issue the
20 request for proposals; receive the proposals;
21 evaluate them. Finalize the language within the
22 professional services agreement, and then submit
23 that agreement to the City Council for approval.
24 And there's a lead time process for submittal to
25 the City Council.

1 Once we have that agreement in place, we
2 then would initiate, through the engineering firm
3 that would be retained, the engineering and
4 preparation of specifications for the plume
5 abatement equipment.

6 Now, all of those activities could not
7 be begin until we had the actual recorded
8 meteorological data that was causing the ground-
9 hugging plume.

10 So that requires, as you go through this
11 process, 150 days, cumulative days, to the final
12 submittal to the CPM of the specifications and the
13 engineering for the plume abatement technology.

14 Are there any questions related to that
15 duration?

16 BY MR. GALATI:

17 Q Mr. Hren, during this time how is the
18 plant operated, according to the condition?

19 MR. HREN: According to this condition
20 immediately upon observing a ground-hugging plume,
21 the operator has to modify operations to prevent
22 the reoccurrence of a plume.

23 And that could involve reducing the
24 amount of duct firing, therefore the heat
25 rejection through the cooling tower. It could

1 involve reducing the combined cycle plant output
2 from 100 percent down to a lower output.

3 Obviously if you shut the plant down you
4 stop the plume, so there's somewhere between full
5 operation and shutdown, this plume would be
6 mitigated. And we're required, whenever those
7 conditions reoccur, which would be determined by
8 the monitoring system that would continue, we
9 would have mitigation via operational
10 modifications to the facility.

11 MR. GALATI: Go ahead and explain the
12 next part of the timeline on exhibit 52, please.

13 MR. HREN: The remaining timeline goes
14 to how quickly after we have the engineering
15 specifications can we prepare a request for
16 proposal for the equipment and the installation
17 and testing of that equipment. I've allowed 45
18 days, which is a short period of time, for CPM
19 review and approval.

20 Then we would issue the request for a
21 proposal for the design build. And that, by the
22 way, is a rather expedited process that the City
23 is allowed to use in this case. Even so, it may
24 not look like it's expedited with these durations,
25 but these are -- this is the reality of public

1 contracting.

2 We would receive proposals; evaluate
3 them; negotiate any exceptions and final technical
4 and commercial terms and conditions for the
5 contract. Submit that contract for approval by
6 the City Council. And then that would trigger the
7 notice to proceed to the successful contractor for
8 the fabrication of the equipment and so forth.

9 They would first prepare detailed design
10 drawings. Those would have to be submitted to
11 Roseville Electric and the CPM for review. And
12 after the drawings are approved, then it would go
13 into a fabrication process.

14 The heating coils would then be
15 fabricated, shipped to the site. The facility
16 would have to be shut down I'm estimating here, 60
17 days shutdown for the retrofit, if you will, of
18 the abatement equipment at the top of the cooling
19 tower.

20 The total duration from the first
21 observation of the plume to the final installation
22 and operation of that abatement technology could
23 be what's showing here 18.9 months, give or take,
24 in that range.

25 And the reason that relates to the

1 striking of the October 1st to the following
2 season is that, for example the plume monitoring
3 is the, I believe, November-through-March
4 timeframe. So, if we observe the plume in March
5 we would have only six months till the October 1st
6 requirement to have the equipment in place. As
7 you can see, that's impossible to achieve.

8 And, again, during this entire period
9 for this condition we have to modify operations to
10 prevent a plume, and we're monitoring to verify
11 that the plumes are not forming. So that there's
12 full mitigation during this time period.

13 So we are recommending that this
14 timeframe be deleted.

15 MR. GALATI: Mr. Hren, does this
16 timeframe also contemplate selecting the time for
17 installation on a nonpeak power generating time?

18 MR. HREN: No, it does not. That, for
19 example, if the timing that the equipment were to
20 be received in June, for example, I don't think
21 anybody would want this facility shut down during
22 the summer peak period.

23 So if that were appropriate, we would --
24 I think all parties would want to see a delay in
25 the installation until a period of time when the

1 demand for electricity is not severe.

2 Now, what we've added by the inserted
3 handwritten language is a submittal of the actual
4 schedule of implementation to the CPM for review
5 and approval. This schedule is provided as an
6 estimate to illustrate the issues that we face.
7 But the actual implementation plan would be
8 subject to review and approval by the CPM at the
9 actual time.

10 HEARING OFFICER FAY: Mr. Galati, let me
11 interrupt and ask if you'd like that estimate,
12 that timeline estimate labeled for exhibit?

13 MR. GALATI: Yes, could we please label
14 that exhibit.

15 HEARING OFFICER FAY: That's exhibit 52,
16 then.

17 MR. GALATI: Thank you.

18 HEARING OFFICER FAY: Just get that for
19 the record.

20 MR. GALATI: I have no further
21 questions.

22 HEARING OFFICER FAY: Okay. Ms. Willis,
23 any questions on this?

24 MS. WILLIS: No, we don't.

25 //

1 EXAMINATION

2 HEARING OFFICER FAY: Mr. Hren, so it could
3 be about 18 months, as I understand, from the time
4 the decision was made, to install the abatement
5 equipment till the time it was actually working,
6 is that correct?

7 MR. HREN: That is correct.

8 HEARING OFFICER FAY: And during this
9 time the mitigation would be to essentially
10 throttle back the plant whenever there was the
11 threat of a ground-hugging plume?

12 MR. HREN: That is correct.

13 HEARING OFFICER FAY: Is that
14 installation of abatement the only possible
15 mitigation, or if the City or Roseville Electric
16 believes that a ground-hugging plume, while it may
17 occur, is likely to be an extremely rare
18 circumstance, would they still go ahead with
19 abatement? Or would they at least temporarily
20 rely on simply throttling back the plant?

21 MR. HREN: There are two methods of
22 installing permanent mitigation for plumes. One
23 is the abated cooling tower, and the second is an
24 automatic control system that would throttle back
25 the plant under the conditions that could cause a

1 plume.

2 So the City and, you know, the owner of
3 the facility would make a determination of whether
4 installation of what we estimate to be \$2 million
5 additional equipment would be the appropriate
6 course. Or the installation of an automatic
7 control system to throttle back the plant. If
8 it's a very infrequently occurring condition, the
9 likely decision would be to install the automatic
10 control system.

11 Now, when I mentioned that -- and
12 there's a time period in here for installation of
13 that system, as well. When I referred to the
14 immediate measures that would be taken for
15 mitigation while, let's say, the City chose to
16 install abatement technology and that took 18
17 months, during that period of time the throttling
18 back would be on a manual basis, based on observed
19 and, you know, meteorological and other
20 measurements that would be ongoing during the
21 period.

22 HEARING OFFICER FAY: So, that temporary
23 mitigation, pending installation of abatement
24 equipment, would depend on human intervention to
25 evaluate the factors, the met data, and observable

1 ground plume, is that correct?

2 MR. HREN: Yes, and it would be subject
3 to CPM approval according to the condition, those
4 procedures.

5 HEARING OFFICER FAY: And your opinion
6 now is that neither of these measures are
7 necessary, is that correct?

8 MR. HREN: There's been a lot of debate
9 over the ability of the computer modeling to
10 predict plumes of this type, and ground-hugging
11 plumes. I am not a modeler. I do not know the
12 intimate details of that model. And so I'm not in
13 a position to opine on the computer modeling.

14 What I can say is that we believe that
15 objective observations, empirical data collected,
16 are far superior in making a decision of this
17 magnitude for the investment that is required.
18 And so that we are far more comfortable with the
19 ready for abatement, which isn't significant
20 investment upfront. And then monitoring and
21 making that determination based on objective
22 information.

23 HEARING OFFICER FAY: I guess what I'm
24 curious about is I gather this phenomena, this
25 ground-hugging fog, depends on meteorological

1 phenomena that you can't necessarily predict, is
2 that correct?

3 MR. HREN: Well, my understanding of the
4 modeling results is that the ground-hugging plumes
5 are influenced by the wind speed, for example, the
6 relative humidity and other meteorological
7 conditions.

8 HEARING OFFICER FAY: So if those
9 conditions happen in a manner that Roseville
10 Electric does not justify installation of the
11 abatement equipment, but does justify taking some
12 measure, might not there be a deferral of the
13 installation of abatement equipment almost
14 indefinitely until things change, the
15 meteorological situation changed such that the
16 utility decided that, in fact, it was better to
17 install the abatement equipment?

18 You see what I'm getting at, if it's
19 occasional enough could we really have sort of an
20 open-ended situation where you had made the
21 decision to take on, perhaps, the automatic
22 control system. And then later had to shift
23 gears?

24 MR. HREN: It's not open-ended under
25 this condition. I believe if we choose to go the

1 automatic control system, we have a defined period
2 of time for implementing that system.

3 If we choose the other direction, the
4 abatement technology to be added to the cooling
5 tower, then we have to submit, to the CPM for
6 approval, an installation plan.

7 So in either case we have, it's not an
8 open-ended situation.

9 MR. GALATI: In addition, if I could
10 just point out, Mr. Fay, is the language proposed
11 in exhibit 52 provides that if the City were to
12 elect automatic control system, there is a
13 continued burden of monitoring on that automatic
14 control system, and a continued burden for a
15 period of three years whereby plume abatement
16 could be required.

17 So, in all circumstances the automated
18 control system is a step that, if proves
19 successful, then plume abatement is not required.
20 If unsuccessful, plume abatement is required. And
21 that additional monitoring has been incorporated
22 into the condition.

23 In addition, that allows the City the
24 opportunity that let's say the setpoint when
25 relative humidity or whatever the design setpoint

1 for the automated control system, a plume starts
2 to form, they can readjust and reset that
3 setpoint, as well.

4 So we've given -- the purpose of that
5 language is to provide a belt and suspenders, so
6 to speak.

7 HEARING OFFICER FAY: And is the
8 automated control system an interim measure on the
9 way to installing a full abatement system?

10 MR. HREN: No, it's potentially -- Bob
11 Hren speaking -- it's potentially one of two
12 permanent mitigation measures. The automated
13 control system is one of two permanent mitigation
14 measures.

15 HEARING OFFICER FAY: So, in the
16 scenario that you just mentioned, that if the
17 utility decided to install the automated control
18 system, and during that three-year monitoring
19 period it was found that, in fact, that was not
20 doing the job, and you had to go to the full
21 abatement control, what is the usefulness of the
22 automated control system at that point?

23 MR. GALATI: The first step would be to
24 readjust the automated control system for that
25 specific instance. There'd be more data acquired

1 because there's more monitoring. And it would be
2 further fine-tuned.

3 So that would be the first step. And
4 then a continued burden of monitoring after that
5 step.

6 And then, I guess, at some point in time
7 if that is failing, which we can't see how it
8 could fail because the automatic control system
9 could be readjusted to say turn the plant off, no
10 plume, then I guess plume abatement is an option.

11 The City always has the option to select
12 plume abatement if the readjustment is such that
13 it's turned off a lot.

14 HEARING OFFICER FAY: So at some point,
15 regardless of what's happening on the ground, in
16 terms of traffic safety, the City may decide that
17 it's in its interests to simply pay for the
18 abatement equipment, rather than continually
19 having the automatic system throttle back the
20 plant?

21 MR. GALATI: Yes. And the City could
22 elect that at the very beginning, as well.

23 HEARING OFFICER FAY: Okay, so that's a
24 business judgment rather than --

25 MR. GALATI: It's always an election for

1 the City based on how it evaluates its risk; and
2 probably less business, but how it evaluates its
3 risk and its obligation to serve.

4 HEARING OFFICER FAY: Okay. And the
5 monitoring system that you support during this
6 three-year period, could you describe that for us?

7 MR. HREN: May I ask what you mean by
8 the three-year period?

9 HEARING OFFICER FAY: Well, I understand
10 that if --

11 MR. HREN: The monitoring, did you say?

12 HEARING OFFICER FAY: Yeah, if the
13 automated control system is selected, then there's
14 the three-year period to monitor?

15 MR. HREN: To check it, yeah.

16 HEARING OFFICER FAY: And could you
17 describe that?

18 MR. HREN: What that system would be
19 like?

20 HEARING OFFICER FAY: The monitoring --

21 MR. HREN: Well, actually, for both
22 plume abatement technology and the automatic
23 control system, there would be a series of
24 monitors measuring wind speed, relative humidity
25 and so forth, that would either trigger abatement

1 heating of the air leaving the cooling tower, or
2 trigger a throttling back of the power facility.

3 So the monitoring devices that would
4 trigger something are pretty much the same,
5 whether you go with solution one or solution two.

6 HEARING OFFICER FAY: So this is
7 monitoring of met conditions only, not of the
8 visual impact on nearby roads?

9 MR. HREN: Well, it would be monitoring
10 that would be approved by the CPM. You know, what
11 we're talking about here is trying to forecast
12 what that exactly will be, and we're trying not to
13 predict that. We may be here for months trying to
14 write that. We think it's better to get the
15 actual empirical data at that time, make the
16 judgments on what should be triggering either
17 abatement or throttling back, an automatic control
18 system.

19 HEARING OFFICER FAY: What provision has
20 been made for ground truthing that data you've
21 gathered with what's happening at say the closest
22 affected road?

23 MR. HREN: Well, maybe we go back to
24 the, when we start operation we have neither plume
25 abatement nor automatic control system, but we do

1 have the video cameras and we have video recording
2 equipment. We have visible range measurements
3 equipment or other methods for determining
4 visibility. And we are collecting data on
5 meteorology. And that will continue on for a
6 period of at least three years.

7 If we observe through this monitoring
8 method ground-hugging plumes, that will trigger
9 first, as I said, that manual throttling back of
10 the facility to prevent the plumes. Continuation
11 of that physical monitoring, and then the choice
12 of either the plume abatement or the automatic
13 control system, and continued monitoring, again in
14 the case of the automatic control system, to
15 verify that the set points are doing what was
16 intended.

17 HEARING OFFICER FAY: Okay, and you
18 think this would be adequate, and you don't think
19 there's a need for any sort of complaint
20 triggering mechanism as the staff is supporting.

21 Is there, however, a complaint mechanism
22 that would not be or could not be used to
23 intimidate the City?

24 For instance, if the police department
25 filed a report that there was a visual obstruction

1 apparently due to the power plant plume affecting
2 traffic, presumably that would not be a tool of
3 intimidation against the utility from the police
4 department. And has the other advantage of being,
5 I think, more objective than your average citizen
6 impression of what is an impediment to traffic.

7 Have you considered something like that?

8 MR. HREN: The City has a complaint
9 process, as Mr. Jensen has described. And that
10 would include reviewing complaints, whether they
11 be from the City or be generated from a police
12 officer.

13 So, you know, if some credible evidence
14 comes to the light of the City that plumes are
15 touching ground and they have not, for some
16 reason, been monitored via this equipment, the
17 City would evaluate that very carefully and may
18 take appropriate steps to put in the abatement,
19 themselves.

20 HEARING OFFICER FAY: And the 50 percent
21 versus 75 percent threshold, what do you base your
22 opinion on that the plant is unlikely to even be
23 operating at 75 percent during those first three
24 years?

25 MR. HREN: Roseville Electric's

1 wholesale energy group routinely does a forecast
2 of power demand by season, by month, by day, and
3 compares it against market pricing and forecasts
4 of pricing and forecasts of gas pricing.

5 This is a computer program. And the
6 results of that forecast are that this facility
7 would be dispatched in the range I mentioned. So
8 it's based on a very comprehensive forecast of
9 power demand within the City, power demand within
10 the region, the power pricing in the region.

11 HEARING OFFICER FAY: And that forms the
12 basis for your recommendation that this threshold
13 be at 50 percent?

14 MR. HREN: Yes, it does.

15 HEARING OFFICER FAY: I don't know which
16 of you gentlemen wants to address this, but the
17 question of review and approval. Since the
18 Commission has certification and compliance
19 jurisdiction over projects, they typically ask for
20 review and comment from the local agency with the
21 CPM determining approval.

22 Why does t his approach that you want to
23 take actually add more protection, since comment
24 could be a comment like don't approve this, or I
25 think you should approve this? What compels this

1 change in practice for the Energy Commission?

2 MR. HREN: What this does is it adds
3 another approval. If the approvals are not
4 granted by both parties, you know, then the
5 project would be out of compliance and the
6 appropriate steps would have to be taken.

7 So, the withholding of approval by the
8 City does not in any way diminish the approval
9 authority that the CPM would have.

10 HEARING OFFICER FAY: So you're saying
11 that both approvals would be required?

12 MR. HREN: That's correct.

13 HEARING OFFICER FAY: Okay.

14 MR. HREN: May I clarify something? You
15 were asking me, and I apologize if I wasn't clear.
16 During the three-year period of monitoring, should
17 the City choose to go with the automatic control
18 system, all of those devices that would have been
19 installed right at the beginning of the plant
20 operation would continue monitoring, including
21 that visible range measurement equipment.

22 So I sensed possibly I didn't
23 communicate that. I just wanted to make that
24 statement.

25 HEARING OFFICER FAY: Anything further,

1 Ms. Willis?

2 MS. WILLIS: No.

3 HEARING OFFICER FAY: Okay. Thank you,
4 Mr. Galati. Thank the panel.

5 We'll move to the staff.

6 MS. WILLIS: Thank you, Mr. Fay.

7 HEARING OFFICER FAY: Oh, Mr. Galati,
8 did you want to move exhibit 52 into evidence?

9 MR. GALATI: Yeah, I can move exhibit 52
10 into evidence at this time.

11 HEARING OFFICER FAY: Any objection, Ms.
12 Willis?

13 MS. WILLIS: None.

14 HEARING OFFICER FAY: Okay, that's
15 received. Go ahead.

16 MS. WILLIS: Staff would like to call
17 Dale Edwards, and he will need to be sworn in.

18 HEARING OFFICER FAY: Please swear the
19 witness.

20 Whereupon,

21 DALE EDWARDS
22 was called as a witness herein, and after first
23 having been duly sworn, was examined and testified
24 as follows:

25 //

1 DIRECT EXAMINATION

2 BY MS. WILLIS:

3 Q Can you please state your name for the
4 record?

5 A It's Dale B. Edwards, E-d-w-a-r-d-s.

6 Q And was a statement of your
7 qualifications attached to your testimony?

8 A Yes, it was.

9 Q What is your job title?

10 A I'm a supervisor in the environmental
11 protection office of the siting division at the
12 Energy Commission.

13 Q Can you briefly state your education and
14 experience as it pertains to the topic of visible
15 plumes and conditions of certification?

16 A I have a bachelors degree in
17 environmental studies and a minor in biology. And
18 I have approximately 28 years of experience
19 working at the Commission, of which the last six
20 or seven have been supervising the area of visual
21 resources, which has dealt greatly with plumes.
22 And also traffic and transportation analyses, at
23 various times, which only in recent years has
24 gotten into ground-hugging plumes.

25 Q Are you sponsoring the document

1 entitled, second errata to the Roseville Energy
2 Park final staff assessment?

3 A Yes, I am.

4 Q And do the opinions contained in your
5 testimony represent your best professional
6 judgment?

7 A Yes, they do.

8 Q Before we turn to exhibit 51, I'd like
9 to ask you a few questions regarding the original
10 condition of trans-7 in the final staff assessment
11 was modified in the errata filed, especially the
12 second errata filed by staff.

13 Can you explain the differences and why
14 those differences were proposed?

15 A The condition was modified from that
16 originally submitted by staff due to additional
17 constructive comments received from other siting
18 division reviewers in the limited time available
19 to create this very complex condition that
20 involves policy and technical issues.

21 The proposed condition is necessarily
22 complex in detail due to the potential public
23 safety consequences from ground-hugging plumes,
24 the variety of cooling tower operation and weather
25 factors that are conducive to ground-hugging plume

1 formation, and the proximity of current and future
2 drivers to the power plant.

3 Q Can you also explain why we've changed -
4 - the staff has changed their position from
5 requiring plume abatement technology to requiring
6 plume abatable technology in this condition?

7 A Well, staff has, I think, realized --
8 well, initially our position was that plume
9 abatement would be the appropriate way to mitigate
10 the project, based on our modeling, which did
11 indicate something on the order of 10 to 15 hours
12 per year, as I recall, of ground-hugging plumes.

13 And based on the applicant's input about
14 the automatic control system, staff felt that this
15 was a reasonable secondary or alternative approach
16 to mitigate the potential impacts from ground-
17 hugging plumes.

18 Q Thank you. Now, were you present during
19 the discussion of exhibit 51 by the applicant?

20 A Yes, I was.

21 Q Now, exhibit 51 basically represents
22 staff's second errata with applicant's changes, is
23 that correct?

24 A Yes.

25 Q And do you agree with all of applicant's

1 changes on exhibit 51?

2 A Not all, no.

3 Q I'm going to ask you to just walk
4 through each of the changes you do not agree with.
5 Can you state the first change you're not in
6 agreement?

7 A It would be on page 1, paragraph 4, the
8 struck language that says "or CPM-verified traffic
9 safety" and it goes on through "ground-hugging
10 plume as a factor."

11 Q And why is staff wanting that language
12 included in this condition?

13 A Well, it's staff's opinion that although
14 we feel good about the other two conditions, or
15 triggering events that are specified in this
16 paragraph, the first one being the Caltrans
17 highway design manual standards for the
18 visibility; and the other being a vehicle accident
19 that's reported that has a ground-hugging plume as
20 a contributing factor, we believe it's also
21 important to allow for the possibility that there
22 would be -- the word legitimate has been struck
23 from this version -- but a legitimate complaint,
24 or as we're saying here, a CPM-verified traffic
25 safety-related complaint.

1 And that would be another way that staff
2 could evaluate whether or not there's a need to go
3 to some abatement technology, or the automatic
4 control system.

5 And specifically, we really haven't had
6 time to talk with the applicant about this, what
7 in our opinion is a CPM-verified event, in our
8 opinion it's much like I heard Mr. Fay speaking of
9 earlier, that first of all, if we hear of a
10 complaint regarding ground-hugging plumes related
11 to this facility, that the first thing we're going
12 to want to look at is the monitoring data, both
13 videocamera information as well as the visual
14 range measuring equipment information, to see
15 whether there was an indication on either of those
16 two monitoring sources of the ground-hugging plume
17 actually occurring coincident with the complaint,
18 the timing of that complaint. So that's one very
19 effective method.

20 Of course, as with most equipment
21 there's a limitation on the area that is
22 monitoring. And it is possible that, depending on
23 how the equipment is designed, or where it's
24 positioned, that it may not capture all potential
25 plumes that may contact the ground in future

1 years.

2 So it's another factor, as I said, that
3 Mr. Fay pointed out, is that we would also
4 envision that if there was a CHP or other police
5 report that identified a ground-hugging plume as a
6 factor in that complaint, if it's a near-accident
7 or other kind of loss of control because of a
8 ground-hugging plume, we would like to use that as
9 a reason to also go to the two mitigation items
10 one and two.

11 Q Mr. Edwards, were you present during Mr.
12 Jensen's testimony regarding the City's procedure
13 for investigating complaints?

14 A Yes, I was.

15 Q And do you believe that it's possible
16 that by the time the City would investigate a
17 complaint a plume may not be in existence anymore?

18 A It's possible both ways. It's possible
19 that a plume could be there, a ground-hugging
20 plume could be there, and it's also very possible
21 it would not be there any longer.

22 They are highly variable, as plumes are,
23 in general, whether they're going vertically or
24 horizontally.

25 Q Do you have any further comments on that

1 section?

2 A No.

3 Q Let's move on to the next part of the
4 condition that you disagree with.

5 A This is in the first paragraph of the
6 verification. It's the language that is currently
7 in our staff-proposed errata. And this is that
8 the words "for review and comment" be struck, and
9 also the word "too", which would make it such that
10 the City of Roseville City Engineer would also be
11 a review-and-approval entity, along with the
12 Energy Commission.

13 And as has been discussed previously,
14 and I would -- I can say in my position as a
15 supervisor, but also having been a past compliance
16 program manager, it is not our policy to write
17 conditions that allow another agency or entity to
18 have approval authority along with the Energy
19 Commission or in place of the Energy Commission.

20 As the permitting agency with
21 jurisdiction over the power plant, staff takes all
22 approval authorities to ourselves.

23 Q Thank you. Do you have any further
24 comments on this condition?

25 A I just wanted to point out one item here

1 that I had heard earlier that I think is not quite
2 fully accurate. It's the paragraph just above
3 where all the additional highlighting has been
4 added.

5 There is a statement in there that
6 should the automatic control system fail to
7 prevent ground-hugging plumes, then the project
8 owner shall either install plume abatement
9 technology or readjust.

10 I think I heard very briefly there that
11 should the automatic control system not work, then
12 abatement technology would be required. But
13 that's not how the condition reads now.

14 But I also heard, and I believe it's
15 true, that the automatic control system can be
16 adjusted significantly, to the extent where you
17 would come to a point where you'd actually shut
18 the project down if that were the case or the
19 need.

20 So I just wanted to point that out.

21 Q So, just in summary, you have reviewed
22 exhibit 51, is that correct?

23 A Yes.

24 Q And you do agree with all of the changes
25 made by the applicant except the two that you've

1 outlined during this proceeding?

2 A Yes.

3 MS. WILLIS: We have no further
4 questions.

5 HEARING OFFICER FAY: Okay. Does the
6 staff want to mark the second errata?

7 MS. WILLIS: Yes. We'd like to mark two
8 exhibits. We have first the final staff
9 assessment traffic and transportation attachment
10 A, cooling tower plume ground-level fogging
11 analysis. And that was docketed on December 2,
12 2004.

13 HEARING OFFICER FAY: And is that not
14 part of exhibit 47?

15 MS. WILLIS: It was filed after, so I
16 didn't know --

17 HEARING OFFICER FAY: Okay.

18 MS. WILLIS: -- I believe it was just
19 inadvertently left out. So I'd like to mark that
20 as exhibit 53.

21 HEARING OFFICER FAY: Okay. The next
22 exhibit in order is exhibit 52 -- I'm sorry, no,
23 you're right, exhibit 53.

24 MS. WILLIS: And then we'd like to mark
25 the second errata to the Roseville Energy Park

1 final staff assessment, exhibit 54.

2 HEARING OFFICER FAY: Okay. And you're
3 moving those exhibits?

4 MS. WILLIS: I'd like to move those
5 exhibits into the record at this time.

6 MR. GALATI: No objection.

7 HEARING OFFICER FAY: Thank you. Those
8 will be received.

9 Is Mr. Edwards available for cross-
10 examination?

11 MS. WILLIS: He is.

12 HEARING OFFICER FAY: Mr. Galati.

13 CROSS-EXAMINATION

14 BY MR. GALATI:

15 Q Mr. Edwards, regarding the CPM-verified
16 traffic safety complaint, is it correct that if
17 there is an accident where the ground-hugging
18 plume is a contributing factor that the Roseville
19 Energy Park will have to select either number one
20 or number two under the condition?

21 A Yes.

22 Q So you're talking about a traffic
23 safety-related complaint that does not involve an
24 accident, correct?

25 A That's true.

1 Q In fact, I think I heard you talk about
2 a near-miss?

3 A Correct.

4 Q Is that what you're intending to
5 capture?

6 A That, and a loss of control that may not
7 involve other vehicles.

8 Q Is it possible to interpret a CPM-
9 verified complaint to be something other than a
10 near-miss?

11 A That's a broad question; do you mean not
12 road-related or anything?

13 Q Is it possible to interpret a citizen
14 who lodged a complaint or -- strike that.

15 Is it possible to interpret the term
16 CPM-verified complaint to include a complaint that
17 does not involve a ground-hugging plume?

18 A Not the way the language currently
19 reads, no. Because it does specify, that
20 identifies a ground-hugging plume as a factor.

21 Q Is it possible to interpret that
22 complete phrase as a complaint that identifies a
23 ground-hugging plume that does not result in a
24 near-miss?

25 A Well, as I said just said, I use the

1 words loss of control, but it can be an event --
2 if you want to refer to a near-miss as near
3 missing a fencepost or a sign pole or a car or a
4 pedestrian or a bicyclist, it covers much ground.

5 Q Giving you a hypothetical scenario. A
6 letter comes to the City and to the Energy
7 Commission that says, I was involved in a -- I
8 almost -- I lost control, almost went off the road
9 when driving on a local Roseville roadway, and I
10 believe it was related to the ground-hugging plume
11 associated with the Roseville Energy Park.

12 How would the CPM investigate that
13 letter?

14 A Well, you're using the right word there,
15 because I think we would have to do an
16 investigation and that would start right off, as
17 I'd mentioned earlier, with the time of the event
18 and looking at the monitoring equipment data for
19 that same time.

20 Unless it happens to be a, rather a CHP
21 or police report, which is a different animal all
22 together. But, specifically, too, if it's a
23 uncorroborated complaint by a police authority,
24 then we'd be looking at the monitoring data that's
25 provided by the project owner.

1 Q And if the monitoring data showed that
2 either that particular section of roadway was not
3 captured, or that during the time there was no
4 ground-hugging plume, how would you resolve it?

5 A It would be difficult. And when we talk
6 about the -- there is a requirement in here for a
7 plan for the mitigation -- or rather a plan for
8 the monitoring. And when that's submitted staff
9 will be looking at it very carefully to work with
10 the applicant or the project owner at that time to
11 do the best we can to insure that we have proper
12 monitoring to basically cover all the bases we
13 can. Not specifically aimed at this particular
14 element, as far as the CPM-verified, but to insure
15 that we are really seeing what's going on on the
16 ground as far as plumes from the project.

17 Q But it's possible that the CPM could
18 verify that a complaint was received and just the
19 mere lodging of the complaint, which identifies
20 the plume, could cause the City to implement the
21 mitigation according to the language here?

22 A I can see what you're saying. I think
23 there's an intent on staff's part that there's an
24 evaluation, certainly, or an investigation to
25 understand the specifics of the complaint. And

1 there is a potential that some complaints may not
2 be of such gravity that these parts one and two
3 would be triggered.

4 This is, as I said earlier, this is a
5 very complex condition. It's very difficult in
6 crafting it. And that's why we had the iterations
7 we've had to date.

8 The intent is that we want to allow for
9 complaints, bona fide complaints, to be considered
10 and given proper weight in the decision, whether
11 there's a mitigation or abatement that's
12 necessary.

13 That's probably the best I can give you
14 at this point.

15 Q Let's move on to the next topic, the
16 review and approval. If I understood your
17 testimony correctly, and I probably will summarize
18 it badly, so correct me, please.

19 It's the Energy Commission's policy not
20 to share jurisdiction with a local agency. And
21 that is the motivating factor for not wanting the
22 City to also have an approval step, correct?

23 A Well, probably better said that does not
24 share approval authority with another entity.

25 Q Did you also testify that at one time

1 you worked in the compliance unit?

2 A Yes.

3 Q Did you ever have, on occasion, require
4 that applicant, during compliance, to submit a
5 permit issued by another agency?

6 A An in-lieu permit.

7 Q For example, let's take a streambed
8 alteration agreement, did you ever require that as
9 a condition of approval that the applicant get a
10 streambed alteration agreement and submit it to
11 the Commission as a compliance step?

12 A You're stretching my memory a bit here,
13 but yes, I believe that's true.

14 Q Isn't that another agency approving the
15 streambed alteration agreement?

16 A Well, what we have there is the federal
17 authority that is over and above the Energy
18 Commission's authority.

19 Q I'm talking about the state Department
20 of Fish and Game, a streambed alteration
21 agreement, not the federal U.S. Fish and Wildlife
22 Service-related work. So, I'm talking about the
23 state permit that is routinely required to have an
24 approval by somebody else given to the Energy
25 Commission.

1 A I know there are other permits that are
2 given. I can't speak specific to whether that's a
3 -- your example is unclear to me at the moment.
4 I'm not the best one to answer that question.

5 Q How about a NPDES permit for discharge
6 issued by the Regional Water Quality Control
7 Board? Are you familiar with that permit?

8 A In general, yes.

9 Q Have you ever required that be obtained
10 by the applicant and submitted as part of a
11 condition before the CPM will approve, for
12 example, a connection, a discharge connection?

13 A That's not in my purview, actually, for
14 some years.

15 Q Are you familiar with the final
16 determination of compliance from an air district?

17 A Right, yes, I am.

18 Q Okay, are you familiar with the
19 requirement to have a final determination of
20 compliance incorporated into the Energy Commission
21 process?

22 A Yes.

23 MS. WILLIS: I'm going to object. These
24 are federal, that's a federal permit. That is --

25 HEARING OFFICER FAY: Sustained.

1 MS. WILLIS: That has nothing to do with
2 this.

3 BY MR. GALATI:

4 Q Have you ever, in your experience have
5 you ever required the applicant to get a local
6 variance approved by the city council before the
7 Energy Commission would approve the land use
8 condition of compliance?

9 A It's generally our practice that we ask
10 the local agency what their requirements are for
11 such a variance, and we incorporate those
12 requirements in our permit.

13 Q I understand it's your general practice.
14 What I'm asking you is if you ever have in the
15 past, in your experience, require the variance to
16 be approved by the city council as part of
17 compliance with a land use condition?

18 A I don't have a specific recollection,
19 no.

20 Q Okay. In your opinion is it, by
21 requiring the city engineer to approve the project
22 -- excuse me, approve the engineering plans and
23 specifications for the cooling tower, in addition
24 to approving -- in addition to requiring the CPM
25 approval, is that a more stringent requirement on

1 the applicant or a less stringent requirement?

2 A It's irrelevant to me, or to this
3 Commission, in my opinion.

4 Q I'm going to ask the question again,
5 though. It may be irrelevant to you, but I think
6 until I get an objection that the question is
7 irrelevant I'm asking you whether you believe that
8 it is more stringent upon the applicant or less
9 stringent on the applicant.

10 A Well, just based on the question, alone,
11 I couldn't tell you.

12 Q Could you perceive a situation where the
13 city engineer says he does not approve the
14 project, he does not approve the plans and
15 specifications but the CPM would approve it?

16 MS. WILLIS: I am going to object
17 because this isn't our common practice, so I don't
18 think that this question is relevant to our
19 practice.

20 HEARING OFFICER FAY: I'm going to allow
21 the question. Go ahead, just try to answer it as
22 directly as you can.

23 MR. EDWARDS: Well, what I said in some
24 context previously is that we will work very
25 closely with the local agencies to understand what

1 their issues, requirements are, so that we include
2 that in our approval process.

3 And what we ask for in certain writings
4 of conditions like this in the past is that we
5 receive the comments along with the submittal to
6 us so that we have the benefit of that before we
7 start our approval process.

8 I think in this case that's not written
9 quite that way.

10 So back to our general approach is, we
11 want to work with the locals, incorporate in our
12 approval any and all aspects of what would
13 otherwise be their approval if they were in our
14 shoes.

15 BY MR. GALATI:

16 Q And that's what I'm getting at. If the
17 City of Roseville City Engineer sent back comments
18 that said don't approve the engineering plans and
19 specifications, is that ever a situation in which
20 you perceive the CPM approving it anyway?

21 A I think there are circumstances,
22 potential circumstances where we receive -- could
23 receive input from a local entity that, for
24 whatever reason, and I wouldn't go into any
25 specifics at all, the staff here at the Commission

1 may disagree with the approach or information
2 given. But that's based on good solid judgment
3 and scientific other information that's readily
4 available to us, or would become available to us,
5 not based on any waiver or other type of decision.

6 Q As a practical matter, requiring the
7 city engineer to actually approve the engineering
8 plans and specifications before the CPM would
9 approve, actually makes it a more stringent
10 standard, doesn't it?

11 A I can't answer that.

12 Q Well, it removes the possibility of the
13 city engineer not approving the project and the
14 CPM overriding that approval, correct?

15 A In your hypothetical, yes.

16 MR. GALATI: I have no further
17 questions.

18 HEARING OFFICER FAY: Okay.

19 EXAMINATION

20 PRESIDING MEMBER GEESMAN: Mr. Edwards,
21 I was a little confused by your responses to Mr.
22 Galati on this trigger provision. If I heard you
23 correctly it seems that if, in fact, there is such
24 a traffic safety-related complaint that the CPM
25 can verify has been filed, I believe you said you

1 then go to the monitoring data and review whether
2 the conditions that the fourth paragraph speaks of
3 were existent.

4 I don't think you said we go
5 automatically to either option one or to option
6 two.

7 MR. EDWARDS: That's correct.

8 PRESIDING MEMBER GEESMAN: But if I read
9 the language without the benefit of your answer to
10 Mr. Galati, it would seem to me that you go
11 directly to option one or option two.

12 MR. EDWARDS: Well, the point that you
13 just said, that the CPM verification is that it's
14 a, I guess some bona fide complaint perhaps is the
15 way to put it, but the way I'm reading, or as I
16 said earlier, the CPM verification is that it's a
17 bona fide complaint in that we can see other
18 evidence that there was a plume based on the
19 monitoring data, rather than just taking at face
20 value somebody saying there was a plume there.

21 PRESIDING MEMBER GEESMAN: So what
22 you're trying to do is trigger further inquiry?

23 MR. EDWARDS: Well, it's not trying to
24 trigger further inquiry, it's trying to give, as
25 another -- it's a first step of a two-step

1 process, I think, the way I viewed this, as
2 another way of getting at the number one or number
3 two.

4 But I would give you that based on the
5 150 feet and those other parameters that are above
6 there, that is a much more objective and precise
7 way to determine whether there's a plume on the
8 road rather than having somebody say there's a
9 plume on the road.

10 PRESIDING MEMBER GEESMAN: The only way
11 I read this language, as modified by the
12 applicant, to trigger either option one or option
13 two in the absence of those objective criteria
14 being met is if there is a vehicle accident
15 reported that identifies a ground-hugging plume as
16 a contributing factor.

17 The mere report of such an accident, as
18 I read this, would trigger option one or option
19 two whether those objective criteria had been met
20 or not, is that correct?

21 MR. EDWARDS: That's correct.

22 PRESIDING MEMBER GEESMAN: And you'd
23 like to add another provision where the mere
24 existence of a verified traffic safety-related
25 complaint is received to that trigger mechanism?

1 MR. EDWARDS: That's correct.

2 PRESIDING MEMBER GEESMAN: Okay, thanks.

3 HEARING OFFICER FAY: Mr. Edwards,
4 following up on that, rather than have direct
5 linkage between the complaint and the obligation,
6 expensive in resource and planned productivity to
7 carry out, would you consider something that where
8 a verified complaint triggered an investigation on
9 the part of the utility to check their monitoring
10 equipment, to recheck the ground monitoring, et
11 cetera?

12 In other words, obviously the
13 applicant's concern is this direct link between a
14 complaint that they worry may not be absolutely
15 objective and this large expenditure.

16 MR. EDWARDS: Yeah, I think that you
17 struck on a good point there, and as I said
18 earlier, you -- well, there's two things going on
19 here. It is a good point that this be a trigger
20 to do a little more further investigation using
21 the resources that are already going to be
22 available.

23 But there's also another possibility
24 that because of the design of the monitoring
25 system there's a complaint about an area where the

1 monitoring doesn't cover that area. And this
2 could be, again, as an investigation to see
3 whether that has to be adjusted or not.

4 HEARING OFFICER FAY: Okay, but I'm
5 hearing another step, I'm hearing a step between
6 complaint and installation of multi-million-dollar
7 equipment.

8 MS. WILLIS: May I clarify?

9 HEARING OFFICER FAY: Yes.

10 MS. WILLIS: I think the CPM-verified
11 complaint, I mean it originally was a legitimate
12 traffic complaint or CPM-verified complaint. It's
13 not totally dissimilar except for the fact that it
14 would be requiring plume abatement equipment.

15 Then we do a noise, for example. I mean
16 there's legitimate -- I mean I know, I was on a
17 case where we argued over and added the words,
18 legitimate noise complaint. Because the question
19 is, the neighbors don't want the plant anyway,
20 therefore they're going to be calling and
21 complaining about the noise, whether it's there or
22 not. And there are ways to measure noise.

23 I think the intent of this section was
24 to have the CPM go out and make sure that the
25 complaint is not just a neighbor who doesn't want

1 the plant, or who has some other problems with the
2 City. So that is why the language CPM-verified
3 was added, because that would trigger the
4 investigation from the staff.

5 PRESIDING MEMBER GEESMAN: But how does
6 that work? I mean we're talking about a plume
7 which is an episodic event. CPM gets a complaint;
8 goes out there; says I don't see a plume? Is that
9 in any way conclusive?

10 MR. EDWARDS: No, that's where the
11 recording information, whether it be video
12 recording and it's not specifically mentioned
13 here, by the way, in the condition. When we say
14 distance measuring equipment, that that needs to
15 be recorded, as well. In the met data, as well.
16 There has to be a recording of that.

17 The information, as required by the
18 condition now, is submitted to the CPM at the end
19 of each recording or reporting month during that
20 October through March period. So that we can see,
21 after the fact basically, the proof that there
22 were no plumes or there were some.

23 But in the event of a complaint, then
24 staff has to go out and investigate pretty
25 immediately, just like we were hearing earlier

1 from the city police -- or for the City Engineer,
2 rather.

3 And we'll be looking at not the end-of-
4 the-month report, but rather the recording data
5 that's very current, to see whether, in fact, we
6 had a legitimate complaint or not, based on the
7 recording and the set of the monitoring devices,
8 as they exist.

9 PRESIDING MEMBER GEESMAN: So is this a
10 way to get an earlier look at that recorded data?
11 Or are you concerned that without this complaint
12 trigger there may be a plume on the recorded data
13 that nobody notices?

14 MR. EDWARDS: Well, as I said earlier,
15 there could be a complaint in an area that is not
16 being monitored effectively, or not at all.
17 Because it depends on how the monitoring system is
18 designed, and we haven't got there yet. There is
19 a potential that we have -- the plume, as
20 predicted, will go some distance from the project
21 under certain conditions.

22 And we're just talking about more
23 electronics and more equipment that is offsite at
24 some point, and that I think the applicant may not
25 be willing to go there. But I think, as I

1 mentioned earlier, that I see there's a benefit to
2 this condition being a way of adjusting the
3 monitoring system perhaps moreso than as it now
4 stands, as the trigger for one of the two more
5 costly abatement processes.

6 PRESIDING MEMBER GEESMAN: In the
7 absence of monitored data, what does the CPM's
8 investigation consist of?

9 MR. EDWARDS: Well, unless there's a
10 police report, not much. You have the met data,
11 that includes met data. And potentially, if
12 there's a report of a plume and we have met data
13 and it's indicating certain wind speeds, and we
14 know what the operational side for the power plant
15 is, with the heat rate that's coming out of the
16 cooling tower or the Btus, then we can model again
17 that event, and see whether that modeling predicts
18 something that somebody said occurred, but it's
19 not there now when you go out there.

20 That's not as strong as having actual
21 monitoring evidence. Because we're still dealing
22 with predictive plume, or models that are not 100
23 percent accurate.

24 PRESIDING MEMBER GEESMAN: You're not
25 going to trigger the abatement requirement based

1 on the model, alone, are you?

2 MR. EDWARDS: No. I think that's where
3 I was speaking earlier about evaluating the
4 information that comes in, and this would be
5 working with the applicant to determine what were
6 all the parameters involved at the time to verify
7 to the best we can whether a plume did exist or
8 not.

9 Because this condition comes back to
10 those first two -- well, the first element there
11 about the site distance. That alone is a trigger.
12 That, in essence, says if you have an opaque plume
13 that comes down on the roadway, doesn't give a
14 duration like one second or any time limit like
15 that. If it's recorded to come down to the
16 roadway and blocks the visibility to the degree
17 that's specified here, that is a trigger.

18 PRESIDING MEMBER GEESMAN: And your
19 expectation is that your monitoring equipment is
20 going to pick that up?

21 MR. EDWARDS: Yes.

22 PRESIDING MEMBER GEESMAN: So if you get
23 a complaint that the CPM verifies has actually
24 been filed -- I'm having a hard time seeing where
25 in the absence of monitoring data that tells you

1 anything more than perhaps you ought to adjust
2 your monitoring requirements.

3 MR. EDWARDS: And I agree with you.

4 PRESIDING MEMBER GEESMAN: Well, then
5 I'll stop.

6 HEARING OFFICER FAY: Mr. Edwards, do
7 you agree with the applicant's change that instead
8 of less than 75 percent, to replace that with 50
9 percent?

10 MR. EDWARDS: Now there's mixed opinion
11 on that item. And because of that, I chose or
12 took it upon myself to choose one of those two
13 options. So at this point I do agree with the 50
14 percent.

15 HEARING OFFICER FAY: Okay. We're going
16 to direct the parties to include in their briefs a
17 proposal that if the Committee is interested in
18 entertaining applicant's position on a complaint
19 as a trigger, that it trigger another stage, and
20 that is an investigation of the applicable
21 monitoring equipment, and that it include
22 consultation with the utility. We'd like to see
23 some proposed language on that.

24 I think that much of what you said, Mr.
25 Edwards, is not inconsistent with what the City

1 was saying, that they would respond to. I'm
2 interested in distinguishing just an average
3 complaint filed by someone who drove by and said,
4 gee, I didn't like that plume, and in my opinion
5 it was a ground-hugging plume versus a complaint
6 filed by a high school principal, a local police
7 officer, that sort of thing.

8 I mean I think there should be a
9 threshold, but there should be a process, an
10 interim process between receiving a complaint and
11 investing in this very expensive equipment.

12 I'd like to see some language that
13 pursues that.

14 And, Mr. Edwards, the review and
15 approval, that's basically in your opinion just a
16 practice of the Commission?

17 MR. EDWARDS: Yes.

18 HEARING OFFICER FAY: It's not a -- you
19 don't see it as interfering with Commission
20 jurisdiction, do you?

21 MR. EDWARDS: Well, it's definitely our
22 practice. Again, whether it interferes with our
23 jurisdiction or -- we've had occasions where
24 another approval beyond our own has stopped
25 projects. And we've had other occasions where

1 another approval beyond our own has not
2 complicated our jurisdiction.

3 But it is our practice to avoid sharing
4 approval authority with other agencies.

5 HEARING OFFICER FAY: Okay. All right,
6 Mr. Galati, any recross?

7 MR. GALATI: No.

8 HEARING OFFICER FAY: Okay. Thank you,
9 Mr. Edwards.

10 Ms. Willis, anything further?

11 MS. WILLIS: I think we need to move the
12 section of traffic and transportation of the final
13 staff assessment into the record.

14 HEARING OFFICER FAY: Okay. And you've
15 also, I believe, moved your exhibits 53 and 54.
16 Any objection to that addition?

17 MR. GALATI: No objection.

18 HEARING OFFICER FAY: Okay, that is
19 received.

20 I believe that concludes our taking of
21 testimony on this case.

22 I will remind the parties that we've set
23 the briefing date, as I stated earlier, I believe
24 it's February 14th. Will simultaneous briefs be
25 acceptable to the parties?

1 MR. GALATI: It's acceptable for the
2 applicant.

3 MS. WILLIS: It's acceptable. I just
4 want to clarify that we're briefing only trans-7,
5 is that correct?

6 HEARING OFFICER FAY: You know, I'd like
7 to leave that to the parties' discretion. I don't
8 see any need for any other briefs. If there are
9 any other clarifying points you think need to be
10 make, we'll receive that. But I think the only
11 dispute that we've heard today is regarding that
12 one condition, trans-7.

13 MS. WILLIS: Thank you.

14 MR. GALATI: That's my understanding as
15 well. To the extent we provide a topic-by-topic
16 where our exhibits and where can you point to the
17 record to help you in preparing the PMPD, we may
18 do that.

19 HEARING OFFICER FAY: And that's not in
20 the area of argument, but rather documentation.
21 That's great.

22 Okay, anything further then?

23 All right, we thank you all. And the
24 hearings are concluded and the record is closed.
25 (Whereupon, at 1:10 p.m., the hearing was closed.)

CERTIFICATE OF REPORTER

I, PETER PETTY, an Electronic Reporter,
do hereby certify that I am a disinterested person
herein; that I recorded the foregoing California
Energy Commission Hearing; that it was thereafter
transcribed into typewriting.

I further certify that I am not of
counsel or attorney for any of the parties to said
hearing, nor in any way interested in outcome of
said hearing.

IN WITNESS WHEREOF, I have hereunto set
my hand this 6th day of February, 2005.

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345□